

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES



MOTORCYCLE THIRD PARTY TESTER'S SAFETY OFFICER MANUAL

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DISCLAIMER

This manual and other materials used in the Third-Party Tester Program is the property of Department of Motor Vehicles:

Procedures, requirements and standards prescribed in manuals or other materials provided by the Department supplement the Third-Party Tester Agreement. Safety Officer identification cards, Safety Officer/Safety officer Manuals, knowledge test, test certificates, and test scoring forms are the property of the Department and must be returned to the Department immediately upon the cancellation, termination, or voiding of the TPT Agreement. Duplications, reproductions, or copies of the aforementioned materials are not to be given, shared, or transferred to any other parties, companies, or persons, other than employees of the Third-Party Tester company indicated on the Agreement. Any deviation from those procedures, requirements and standards, or improper distribution of the Departments materials is a breach of the Third-Party Tester Agreement/Contract.

Section 1 – Definitions

1. **Applicant** - a person who is enrolling or has enrolled in a motorcycle safety class.
2. **Company** - any corporation, partnership, joint venture or sole proprietorship, federal or state agency or department, and any political subdivisions.
3. **Contractual Service Agreement** - a legally binding agreement between two or more persons or parties.
4. **Classroom Instruction** - training that is conducted in an indoor classroom environment with learning principles related to the operation of a motorcycle.
5. **Course Completion** - status achieved when an applicant has met all of the contractual requirements and passed the knowledge and skills tests necessary for successful completion of the driver education course offered by the company, where applicable.
6. **Crime of Moral Turpitude** - a specific type of criminal act that includes, but is not limited to: murder, fraud, larceny, solicitation, manslaughter, distribution of illegal substance, criminal domestic violence, assault and battery, rape, lewd act, contributing to the delinquency of a minor, robbery, burglary, felony DUI, criminal issuance (fraudulent) of a bad check, or filing false reports of a crime.
7. **Department** - the South Carolina Department of Motor Vehicles (SCDMV).
8. **Designated Responsible Person** - person selected by a Company to supervise the Companies Safety Officers, to include responsibility of all records and submission of reports.
9. **Domicile** - residence where you have your permanent home or principal establishment and to where, whenever you are absent, you intend to return; every person is compelled to have one and only one domicile at a time.
10. **Driver Training School** - means a facility or legal entity licensed by the Department which is in the business of training or educating persons to operate motor vehicles, including motorcycles or which offers training or education to operate a motor vehicle for a fee or charge. Where appropriate, the term includes any owner, partner, officer, employee, or agent of the school.
11. **Employee** - any individual affiliated with a company who performs work in exchange for money or some other type of compensation
12. **Employer** - someone who provides a job which pays wages or provides other compensation.
13. **Enrolled** - registered formally as a participant or member, specifically when a contract is signed stating that one has agreed to the provider's terms and conditions.
14. **Enrollment Contract** - any agreement or instrument, however named, which creates or evidences an obligation binding a student to purchase an educational course from a driver training school.
15. **Free** - without conditions or obligations.
16. **Instructor** - person licensed by the Department to teach an approved motorcycle safety course.

Section 1 – Definitions

17. **Knowledge Test** - examination designed by the SCDMV that includes, but is not limited to the definition in Section 56-1-130 of the S.C. Code of Law requiring the examination to test the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, and his/her knowledge of traffic laws of this state.
18. **Motorcycle** - every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor, is a "motorcycle". (SC Code of Laws 56-5-140)
19. **Certification of Conditions** - a department approved form (DL-304B *Third Party Tester (TPT) Applicant Certification of Conditions*) which states that drivers who are tested by a certified/approved SCDMV third party tester, may be randomly selected to be retested by The Department at the time the applicant is seeking their initial driver's license at the Department of Motor Vehicles. (SC Code of Laws 56-1-15)
20. **MSF** - Motorcycle Safety Foundation; a national, not-for-profit organization sponsored by motorcycle manufacturers that promotes life-long learning for motorcyclists, and continuous professional development for certified "Rider Coaches" and other trainers.
21. **MVR** – Motor Vehicle Record: commonly referred to as a driving record, this document lists a driver's current status as well as a history of licenses issued and traffic violations.
22. **Relative (immediate/extended family)** - A person who is a spouse, parent, child, sibling, or in-law whether by blood, marriage or adoption, or anyone residing in such person's home.
23. **Rider** - an applicant who is riding or operating a motorcycle.
24. **Rider Coach** - an MSF certified instructor who teaches the organization's classroom curriculum and coaches the riding exercises.
25. **Safety Officer** - an employee of a company or political subdivision certified/approved and licensed by the Department to administer skills tests to drivers applying for a Class M driver's license.
26. **SCDMV** - the South Carolina Department of Motor Vehicles.
27. **Skills Test** - examination designed by the SCDMV that includes, Section 56-1-130 of the S.C. Code of Law requiring the examination for every applicant to require the test to include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of the type motor vehicle for which a license is sought.
28. **Skills Pad** - SCDMV approved motorcycle skills pad used for demonstrating riding skills for applicants who are pursuing a Class M driver's license; physical area has fixed dimensions and designs for the administration of motorcycle skills tests.
29. **SLED** - South Carolina Law Enforcement Division.
30. **State** - the State of South Carolina.
31. **Substandard Test** - any part or parts of the Class M Driver's License Test not performed or meeting the standards or requirements in accordance with the Safety Officer Manual, state Law 56-1-15, 56-1-130, or the South Carolina Code of Laws.

Section 1 – Definitions

32. **Surety Bond** - a bond guaranteeing performance of a contract or obligation. (SC Code of Laws 56-23-40) ([Form CDL/DI-1 Commercial Driver Training School Surety Bond](#))
33. **Third Party Tester** - A company or Agency licensed by the department to administer Class M drivers' license test administration as authorized under Section 56-1-130 S.C Code of Law.
34. **Third Party Tester Agreement** – written contract between a Company and the Department.
35. **Valid South Carolina Driver's License** - a driver's license with no suspensions, revocations or cancellations of driving privileges related to a moving violation for the 3 years prior to applying to being a Safety Officer and must not have any thereafter.

Section 2

Company Qualifications and Requirements

The South Carolina Department of Motor Vehicles' Motorcycle Third Party Program Standards apply to companies, governmental entities, and their employees.

The SCDMV reserves the right to change or modify these regulations and/or policies at any time without prior notice. Notification of changes will be sent to the Designated Responsible Person.

A. Qualifications and Requirements

This section explains documents required to be submitted to the SCDMV during the initial application process and additional requirements to participate in the Motorcycle Third Party Program.

Companies seeking to participate must meet the following requirements and forward completed documents to the following address:

The Department of Motor Vehicles
Office of Inspector General
Post Office Box 1498
Blythewood, South Carolina 29016-0015

1. Provide a valid copy of a South Carolina business license.
 2. Provide a completed legal status affidavit (SCDMV Form AD-020A *Affidavit of Eligibility*) for each individual owner, manager, instructor, safety officer, and designated responsible person showing US citizenship or legal immigrant status.
 3. Provide a completed SCDMV Form CDL/DI-36 *Commercial Driver Training School License Application*).
 4. Provide a completed SCDMV [Form DL-304E Third Party Tester Agreement](#).
 5. Provide a completed SCDMV [Form CDL/DL-1 Commercial Driver Training School Surety Bond](#)).
- Note:** South Carolina Governmental entities insured by the State Insurance Reserve Fund do not have to submit this information.
6. Provide a completed SCDMV Form [DL-304F Third Party Examiner Application](#).
 7. Provide a completed Motorcycle Safety Officer and/or Designated Responsible Person Application - one for the Designated Responsible Person and one for each Safety Officer.
 8. Provide a copy of the company's current insurance policy which includes personal injury and property damage liability insurance on all motor vehicles owned, leased, or registered in the name of the company, while used in testing, insuring the liability of the company, its Safety Officers, and any person taking the driver's test, in the amount of \$50,000.00 because of bodily injury to or death of any one person in any one accident, and subject to such limits for one person, \$100,000.00 because of bodily injury or death to any two or more persons in any one accident, fifty thousand \$50,000.00 because of injury or destruction to property of others in any one accident.

Section 2

Company Qualifications and Requirements

Exception: May administer the skills examination with the applicants motorcycle as long as the vehicle is properly registered, and has evidence of insurance coverage in the amounts required by S.C. Law (verification to be established by Insurance Policy Number and Name of Insurance Provider and listed on the Score sheet) and passes the required vehicle inspection to be performed by the Safety Officer prior to testing.

9. Provide a sample of the agreement/contract or online registration defining terms of enrollment between the provider and student. Applicants that enroll as students at an area technical college may print out their course enrollment documents and supply them to the Third-Party Tester, where applicable, to meet the agreement/contract requirements as a test applicant within this program.

Note: The agreement/contract or online registration must indicate type of education being offered, dates of instruction, and cost of course. Agreement/Contract or online registration is for the duration of the training course.

10. Maintain at least one Designated Responsible Person to serve as liaison to the SCDMV in accordance with [Section 4](#) of this manual.
11. Maintain at least one certified/approved and licensed instructor in accordance with [Section 5](#) of this manual.
12. Display Motorcycle Safety Education Program and any current copy of Third-Party Tester's license issued by the SCDMV in a prominent place in the company's main office visible to visitors.
13. Cannot guarantee and/or promise a license to an applicant.
14. The SCDMV must be notified within 10 days on company letterhead, before changes are implemented if there are any changes with the: Designated Responsible Person, Safety Officer, instructor, test equipment, instructional material, facility location, course completion certificate, contract with student, class schedule, insurance policy, skills pad area, or legal status of any owners, operators, or instructors.

B. Facility, Classroom and Skills Course Requirements

1. Facility must be a permanent structure used to conduct official business and to store required documents and student records. It must not consist of or include a tent, a temporary stand, or room or block of rooms in a hotel or rooming house, and cannot be located within 1500 feet of any building used as an office by the SCDMV.
2. Facility must consist of or have access to a permanent facility consisting of 200 square feet or more for an office and a classroom when knowledge tests are offered.
3. Facility must be identified by a sign visible to the general public that complies with existing local government ordinances.
4. Notify the SCMDV of the office(s) location and the days and hours of operation.

Section 2

Company Qualifications and Requirements

5. Notify the SCDMV within 10 days if an additional branch office is opened. A representative of the SCDMV will inspect the branch office(s) prior to use for compliance with the provisions of these regulations.
6. Classroom must have sufficient space and instructional equipment for no fewer than 10 students.
7. Classroom instruction must meet curriculum standards set by MSF and include an overview of South Carolina laws governing the operation of motorcycles as well as basic safety techniques and the fundamentals of riding a motorcycle.
8. A copy of MSF approval letter indicating education course meets MSF standards.
9. A proposed class schedule specifying each day of the week for six months when classroom or range training will be conducted. At a minimum schedule should include topic of instruction, instructors, locations, and time training will be conducted. The SCDMV must be notified prior to any changes made before a change is put into effect by notifying the Department at the following email address: ComplianceReporting@dmv.sc.gov as well as the SCDMV agent that is assigned to your school or company.
10. A copy of the instructional material that will be used during instruction of the motorcycle education course, including any handouts or pamphlets that will be given to students.
11. A sample of the student course completion certificate issued upon successful completion of the program.
12. Provide the SCDMV a schematic drawing of all range areas and a copy of MSF approval letter indicating skills pad meets MSF standards.
13. Maintain an off-road skills pad approved by the SCDMV that meets MSF standards and utilized as the designated practice and test area for hands-on practice or demonstration of skills. I.e. asphalt or concrete surface, free of potential hazards or dangerous conditions, and level.
Note: If night classes are offered, skills areas must have a permanent lighting system that provides adequate visibility for instruction.
14. All range instruction must meet curriculum standards set by MSF regarding hands-on riding exercises.
15. Vehicles used for the purpose of testing applicants for a Class M driver's license must be in the name of the company (Manufacturer's Certificate of Origin, title and chain bill of sale if applicable) and have all standard safety and operating equipment in proper working order. Third-Party Testers may remove mirrors to prevent damage while being used on private property at the third-party tester's training/testing facility. If DMV finds the vehicles in ill repair the Third-Party Tester may be subject to registration of the vehicles.

Applicants wishing to use their personal motorcycles to take the SCDMV skills test must provide valid proof of registration and current insurance as required by law. It must also have all standard safety and operating equipment.

Section 2

Company Qualifications and Requirements

Note: If the company supplies a vehicle for the purpose of a recall at the DMV, it must also be properly registered and have all standard safety and operating equipment including the mirrors.

The SCDMV accepts the MSF completion for South Carolina third party testers as an alternative to obtain a motorcycle license because an MSF test is comparable to the SCDMV's motorcycle test.

Section 3

Instructor Qualifications and Requirements

1. Must be domiciled in South Carolina.

Exceptions are permitted for current and active-duty military personnel and their immediate family members seeking Motorcycle Safety Instructor status, provided they can prove their required permanent change of station documents. Each instructor must provide a certified (home state of record) criminal background check and military personnel must additionally provide a copy of their "Military Criminal Background Check". Each participant must provide a certified driver's record from their "state of record". The department reserves the right to require additional record checks should the Department determine it has probable cause or deems it necessary during their participation in the program.

2. May or may not be the Designated Responsible Person and/or Safety Officer.
3. Must provide a completed SCDMV [Form DL-304F Third Party Examiner Application](#).
4. Must maintain a valid MSF National Certification as a Rider Coach.
5. Must possess a valid South Carolina motorcycle driver's license.
6. MVR must reflect three years of motorcycle operating experience evident by a Class M driver's license; time holding a class M beginner's permit may not be counted toward the three years of experience.

Note: The MVR must accompany the instructor's application and cannot be more than 30 days old prior to date of submission to the SCDMV. If the MVR is from out of state, the MVR must be issued by that state and must be an original certified copy.

7. Cannot have any suspensions, revocations or cancellations of driving privileges related to a moving violation for the three years immediately preceding their application and must not have any thereafter.
8. Cannot be convicted of a felony offense or any crimes involving moral turpitude or tampering with, falsification of, or altering any government record.
9. Provide the SCDMV with a certified copy of an official SLED criminal background check showing the instructors full legal name, social security number, and date of birth. If the Instructor has resided in additional state(s) within the prior 10 years prior to making application, he/she must also obtain and submit to the SCDMV an equivalent state background check(s).

Note: SLED and other state(s) background check must not be more than 30 days old when received by the SCDMV and all offenses must have a final disposition shown.

10. Adhere to company schedule when conducting training in the classroom or range.

Section 4

Designated Responsible Person Qualifications and Requirements

1. Must be domiciled in South Carolina.
2. May or may not be an instructor and/or a Safety Officer.
3. Must complete a SCDMV [Form DL-304F Third Party Examiner Application](#).
4. Must be employed by company before submitting an application and remain employed by company while serving as the Designated Responsible Person.
5. Must ensure that all motorcycles utilized for testing at the DMV and privately owned motorcycles are properly insured and registered in the company's/individuals name prior to test administration.
6. Must ensure that motorcycles found by DMV to be in ill repair are properly registered.
7. Ensure required documents for license renewal are consolidated, placed in one packet/envelope and forwarded to the Office of Inspector General no later than the 10th of March every three years. The Third-Party Tester Agreement expires on March 31st every three years and must be renewed prior to the expiration date.
8. Accountable for the maintenance of all driver files, paperwork and ensures reports are submitted to the SCDMV as required.
9. Notify the SCDMV in writing within 24 hours if a Safety Officer is convicted of a crime or has any cancellation, suspension, or revocation of driving privileges.
10. Ensure only Safety Officers licensed and certified/approved by the SCDMV are permitted to administer motorcycle tests and test administration complies with all guidelines established by the SCDMV.
11. Ensure Safety Officers are informed of any changes concerning test administration and/or paperwork requirements as directed by the SCDMV.
12. Notify the SCDMV in writing within ten days if a Safety Officer, Designated Responsible Person or Company is:
 - a. Terminated.
 - b. Withdrawals from the program.
 - c. Changes email address.
 - d. Relocated.
 - e. Changes physical or mailing address.

Section 5

Safety Officer Qualifications and Requirements

Safety Officer Qualifications

1. Must be domiciled in South Carolina.

Exceptions are permitted for current and active-duty military personnel and their immediate family members seeking Motorcycle Safety Officer status, provided they can prove their required permanent change of station documents. Each instructor must provide a certified (home state of record) criminal background check and military personnel must additionally provide a copy of their "Military Criminal Background Check". Each participant must provide a certified driver's record from their "state of record". The department reserves the right to require additional record checks should the Department determine it has probable cause or deems it necessary during their participation in the program.

2. Submit a completed Motorcycle Safety Officer and/or Designated Responsible Person Application to the SCDMV to initiate Certification process.
3. May or may not be an instructor and/or the Designated Responsible Person.
4. Be an employee of Company before submitting an application and remain an employee while serving as a Safety Officer. Failure to remain employed will result in suspension of testing privileges and Random Recalls of any applicant tested by a Safety Officer not in compliance.
5. Maintain a valid Motorcycle Safety Foundation National Certification as a Rider Coach.
6. Be a high school graduate or possess a GED.
7. Maintain a valid South Carolina motorcycle license.
8. The MVR must reflect three years of motorcycle operating experience evident by a Class M driver's license; time holding a class M beginner's permit may not be counted toward the three years of experience.

Note: The MVR must accompany the instructor's application and cannot be more than 30 days old prior to date of submission to the SCDMV. If the MVR is from out of state, the MVR must be issued by that state and must be an original certified copy.

9. No convictions for traffic offenses involving moving violations totaling six points in the year immediately preceding the date of application. While using a defensive driving credit will help on the driving record, the SCDMV will use the current total point's computation, not adjusted points.
10. Cannot have any suspensions, revocations or cancellations of driving privileges related to a moving violation for the 3 years prior to applying and must not have any thereafter.
11. Not been convicted of a felony offense or crimes involving moral turpitude, and/or any convictions for tampering, falsification or altering any government record.

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Safety Officer Qualifications and Requirements

12. Provide the SCDMV with a certified copy of an official SLED criminal background check showing the instructors full legal name, social security number, and date of birth. If the Instructor has resided in additional state(s) within the prior 10 years prior to making application, he/she must also obtain and submit to the SCDMV an equivalent state background check(s).

Note: SLED and other state(s) background check must not be more than 30 days old when received by the SCDMV and all offenses must have a final disposition shown.

13. Certified/approved and licensed by the SCDMV within twelve months after making application, or completing the SCDMV's third party training class if administering an SCDMV test. Failure to do so will require the Safety Officer to re-apply to be certified/approved and licensed.
14. May only be licensed for one sponsoring Third Party Tester Company. Cannot hold a "Dual Certification".
15. Successfully complete the SCDMV training course and receive certificate of training from the SCDMV if administering an SCDMV test.
16. Maintain SCDMV safety officer certification.

Safety Officer Requirements

17. Cannot administer an SCDMV motorcycle test until trained and certified by the SCDMV.
18. The skills test must be conducted in South Carolina and can only be administered by a licensed and certified/approved Safety Officer within the company.
19. Must only test an applicant after they successfully pass the rider education course. Effective May 2, 2016, SCDMV will accept the Motorcycle Safety Foundation's skills test in lieu of SCDMV's skills test from authorized third party testers who chose to only administer the MSF test on that date or later.
20. Administer the applicable skills test based on the third-party tester agreement and complete all applicable areas of SCDMV issued Forms.

If the SCDMV test is administered, it must be the same test State Examiners administer in accordance with guidelines established by the SCDMV and those set forth in the Third-Party Tester Examiner Manual
21. The same Safety Officer must administer and complete the entire skills test for an applicant in sequence. An applicant's skills test cannot be initiated by one Safety Officer and completed by another Safety Officer. Group testing is permissible.
22. Cannot charge or receive compensation (other than normal salary or overtime pay) from the Company or applicants for test administration.
23. Safety Officers are prohibited from administering the SCDMV skills test for relatives, or anyone residing in the Safety Officer's home.
24. Must explain and complete SCDMV Motorcycle Certification of Condition form prior to administering the skills test.

Section 5

Safety Officer Qualifications and Requirements

25. Must complete all portions of the motorcycle off-road skills test in one day.
Exceptions such as delays due to severe weather must be noted on score sheet.
26. First time rider/applicant (never held a license of any type) must be 15 ½ years of age and have held a beginners permit for 180 days and can only be tested on the 181st day or anytime thereafter.
- SC Code of Law 56-1-50(F) A person who has never held a form of license evidencing previous driving experience first must be issued a beginner's permit and must hold the permit for at least one hundred eighty days before being eligible for full licensure.
27. The skills test must be administered and passed in sequence.
- a. **SCDMV Test:** 1) Left Turn / Left U-Turn, 2) Right Turn / Right U-Turn, 3) Cone Weave / Normal Stop, 4) Sudden Stop, 5) Cornering, and 6) Obstacle Avoidance.
 - b. **“NEW” MSF BRC Skills Test:** 1) Cone Weave/Normal Stop, 2) Right Turn from a Stop/U-Turn, 3) Quick Stop, 4) Obstacle Swerve, and 5) Curve.
 - c. **“OLD” MSF BRC Skills Test:** 1) U-Turns, 2) Swerve, 3) Quick Stop, and 4) Cornering.
28. Prior to any skills test, the Safety Officer must verify that each motorcycle utilized for testing is properly insured and registered. If the applicant chooses to drive their personal motorcycle during the skills test, they must provide the Third Party Tester evidence that the motorcycle has financial responsibility insurance in at least the minimum amounts required by S.C. state law, including the name of the insurance provider and the policy number of their coverage plan.
29. The Safety Officer or Company will be issued a series of controlled forms that must be completed in black ink and utilized in numerical order.
- SCDMV Form DL-304A *Third Party Tester Program Safety Officer's Certificate*, and
 - SCDMV Form 447-M *Motorcycle Skills Test Score Sheet* (must only be completed if administering the SCDMV skills test)
- a. Must complete all applicable areas regardless if the applicant passed or failed their test.
 - b. If the test was passed the following documents are completed in full, marked with the applicant's name, driver license number and the date of skills test placed in a sealed envelope provided by the SCDMV and hand carried to a local DMV that is capable of administering the MTC skills test to an applicant if randomly selected for re-examination.
 - i. SCDMV Form DL-304A *Third Party Tester Program Safety Officer's Certificate* - copy in driver's file.
 - ii. SCDMV Form - DL-304B *Third Party Tester (TPT) Applicant Certification of Conditions* copy in driver's file.
 - iii. The original skills test score sheet in the envelope and the copy inside the driver's file. The type of score sheet is based on the third party tester agreement with SCDMV.

Section 5

Safety Officer Qualifications and Requirements

- SCDMV Form 447-M *Motorcycle Skills Test Score Sheet*; **or**
- Original MSF Skills Test Score Sheet (new or old version of test) along with a copy of the student's MSF Certification Card dated May 2, 2016, or later.

Note: Do not discard or destroy any test forms issued by the SCDMV. Write "Voided" across the form if mistakes were made; keep on file for three years and present them to the SCDMV representative when the next audit is performed.

c. Test results are invalid if:

- i. Envelope was opened before being delivered to the DMV.
- ii. Envelope is delivered to the DMV 31 or more days after the motorcycle test was administered. The SCDMV will retest applicants not meeting this requirement.
- iii. Forms or Certification of Conditions have been altered.
- iv. Incomplete or missing forms.

30. Issuance of a test result envelope and its original documents can be provided to the applicant only once.

If a student passes his skills test and then loses his sealed envelope within 30 days from his test:

- a) The student must provide a signed statement to the TPT explaining the loss of the testing documents. If the student is younger than 18, he must have his parent or legal guardian sign the statement as well.
- b) The TPT Safety Officer must also sign the statement and then place a copy of it in a new sealed envelope along with duplicates of the required demonstration scores and other required documents to be sent to the DMV. The same expiration date still applies (30 days from date on test).
- c) The student must be completely re-examined if he loses the sealed envelope a second time before the 30-day period ends.

31. Standardized waiting times must be followed if an applicant fails a test and cannot be superseded. The following refer to the length of time an applicant shall wait before the skills test will be re-administered:

- a. **7 Days:** An applicant who has had previous driving experience (held a driver's license) who fails a skills test must wait one (1) week to re-test regardless of age. Holding a beginner's permit does not count as former driving experience.
- b. **14 Days:** An applicant with no previous driving experience who fails a skills test must wait two (2) weeks to re-test regardless of age.
- c. **60 Days:** An applicant (regardless of driving experience) who fails their 3rd test must wait **60** days before being administered their 4th, 5th, or subsequent tests.

Section 5

Safety Officer Qualifications and Requirements

- d. Safety Officers may test an applicant up to 21 calendar days after the student has successfully completed or graduated the motorcycle training course. After 21 days the school must send the applicant to the DMV for testing. Safety Officer must include all original failed score sheet(s) along with original pass score sheet in test result envelope for applicant to take to DMV.

Note: Wait times must be adhered to regardless if a SCDMV examiner or Safety Officer administered the test and no tester can override the other. For example, if an applicant goes to a SCDMV and fails their test they must wait 7 days to be re-tested, regardless if the next test is to be administered by an SCDMV examiner or Safety Officer. Likewise, if an applicant fails a test administered by a Safety Officer they must wait 7 days to be re-tested, regardless if the next test is to be administered by a Safety Officer or SCDMV examiner.

Section 6

Applicant Requirements

1. Applicant must be domiciled in South Carolina.
2. Applicant must possess a valid South Carolina driver's license and/or South Carolina motorcycle beginner's permit prior to enrolling in motorcycle education program.
3. Applicant must be at least fifteen and a half (15 ½) years of age.
Note: If the applicant is under 18, they must have the written consent of their parent or legal guardian (proof required) before a skills test can be administered by a licensed Third-Party Tester.
4. If the applicant being tested is under seventeen (17) years of age the Third-Party Tester must maintain inside the applicant's third-party file either a copy of the applicant's:
 - a) valid Class D driver's license, if applicable, or
 - b) PDLA Form required by SC Code of Law §56-1-180 which certifies that the applicant:
 - Completed a driver's education course
 - Had satisfactory school attendance
 - Practiced driving with a licensed parent or guardian for 40 hours, including 10 hours of driving practice at night.
5. Applicant must be currently enrolled and successfully complete the companies Rider Education Course before the Third-Party Tester may administer the SCDMV skills test in accordance with the Third-Party Tester (TPT) program requirements and regulations.
6. Applicant must sign SCDMV Form DL-304B *Third Party Tester (TPT) Applicant Certificate of Conditions* prior to test administration.
7. Applicant must have a thorough understanding of traffic signs, signals and pavement markings.
8. All motorcycles utilized for testing must be properly insured and registered. If the applicant chooses to drive their personal motorcycle during the skills test they must provide the Third Party Tester evidence that the motorcycle has financial responsibility insurance in at least the minimum amounts required by S.C. state law, including the name of the insurance provider and the policy number of their coverage plan. This information must be verified by the Safety Officer prior to any skills test being administered.
9. Must apply for motorcycle license at a SCDMV office that administers motorcycle skills tests within 30 days of successfully passing skills test with third party tester.
10. Applicant must hand-carry originals of the following SCDMV forms inside a sealed envelope to the SCDMV within 30 days of being administered the motorcycle skills test.
 - Form DL-304A *Third Party Tester Program Safety Officer's Certificate*
 - Form DL-304B *Third Party Tester (TPT) Applicant Certificate of Conditions*
 - Form 447-M *Motorcycle Skills Test Score Sheet* or MSF Skills Test Score Sheet along with a copy of the MSF Certification Card
11. Applicant must successfully pass the vision screening by meeting SCDMV's minimum acceptable vision requirement with or without corrective lenses.

Section 7

Administrative Requirements

Companies must allow representatives from the SCDMV to conduct, at a minimum, annual audits of records without prior notice. All records required under this program must be kept in South Carolina at a designated location and available during SCDMV's normal working hours. Refusal to permit audit is grounds for revocation of the program license.

Audits will include examination of documents relating to this program to include records, contracts, classroom facilities, training devices, instructional materials and applicant files.

Each company and employee of the motorcycle educational program must cooperate with the SCDMV representative and provide all applicable documents and records upon request.

1. If through testing or other review procedures, the SCDMV determines that a contractor is not conforming to the law and regulations applicable to licensing, it may:
 - a. Suspend the authority of a particular individual or entity operating under the contract agreement to administer the tests.
 - b. Suspend the contract agreement.
 - c. Cancel the contract agreement.
2. Maintain previous audit reports and *Third-Party Tester Program Activity Reports*. These reports may be placed in the same file.
3. Keep individual files for each rider/applicant who enrolls in the motorcycle education program and provide a mechanism to ensure/provide protection of files from tampering or theft such as a file cabinet that locks.
4. Maintain a driver file for each individual administered a test. Driver files will be kept for three years from the date the test was administered or three years after the Company is withdrawn from the program – whichever is greater. At a minimum driver files will include the following documents:
 - a. Copy of Contractual Service Agreement.
 - b. Copy of applicant's SC driver's license.
 - c. Copy of applicant's SC Motorcycle Beginners Permit.
 - d. Copy of MSF education course knowledge test score sheet, range score, and Certificate.
 - e. Copy of Form DL-304B *Third Party Tester (TPT) Applicant Certificate of Conditions*.
 - f. Copy of Form 447-M *Motorcycle Skills Test Score Sheet*, for all tests administered, passed or failed.
 - g. Copy of Form DL-304A *Third Party Tester Program Safety Officer's Certificate*. Retain the yellow copy in a separate file for the DMV Inspection Agent to pick up when he performs an audit.

Section 7

Administrative Requirements

5. SCDMV Form DL-304H *Third Party Tester Program Activity Report* serves a dual purpose and must be sent to the SCDMV as indicated:

- a. **Notification Report** – Use this form as a notification report 48 hours prior to administering a DMV test by completing columns A through G. Notification Reports must be emailed or faxed.
- b. **Weekly Report** – Use this same form as a weekly report by completing columns A through H at the close of business on Friday to include every test that was scheduled to be administered that week by your third-party tester program since close of business from the previous Friday. Indicate whether the applicant passed failed or cancelled the appointment in column H.

Note: Failure to submit reports may result in suspension of the Companies testing privileges and removal from the Third-Party Testing Program.

6. All forms required to be maintained by the Designated Responsible Person or Safety Officer can be obtained by submitting an email request or telephone call to your designated inspection agent. The contact information for the OIG office is: ComplianceReporting@dmv.sc.gov, Fax 803-896-9606, or mail:

The Department of Motor Vehicles
Office of Inspector General
Post Office Box 1498
Blythewood, South Carolina 29016-0015

Note: Requests for forms should be made 30 days in advance to allow for printing, preparation and mailing.

Section 8

Penalties and Appeals

1. The falsification of any required records, applications, or forms by any Safety Officer or Designated Responsible Person will result in the permanent revocation of his/her certification and at a minimum the suspension of his/her Company's third-party testing privileges for a period of six months and may result in the Company's expulsion from the program. Such falsification may also result in criminal prosecution pursuant to §56-1-510.
2. Failure to comply with any of the requirements in this manual, the third-party testing agreement, or any applicable statutes and regulations may result in the suspension or revocation of the third party testing privileges of the Company, a Safety Officer, or the Designated Responsible Person.
3. Prior to the imposition of any penalties, the SCDMV will afford the affected parties the opportunity for a hearing in accordance with the Administrative Procedures Act §23-1-10, et seq., if the request for the hearing is received by the SCDMV within ten days from the date of the SCDMV's notification to the affected parties.
4. Appeals from decisions of the SCDMV shall be handled in accordance with the Administrative Procedures Act.

The Office of Motor Vehicle Hearings (OMVH) was created in 2005 and is an office within the South Carolina Administrative Law Court. There are five Hearing Officers, one of whom will be assigned to hear your case. The hearing officers conduct hearings in accordance with Chapter 23 of Title 1, the Administrative Procedures Act, and the rules of procedure for the Administrative Law Court.

The OMVH provides a neutral forum for fair, prompt and objective hearings for persons affected by an action or proposed action of the South Carolina Department of Motor Vehicles NEW FILING FEE FOR OMVH \$200

Please be advised that Act No. 212 of the 2012 General Assembly changed the filing fee from \$150 to \$200, effective June 7, 2012. Beginning September 10, 2012, the Office of Motor Vehicle Hearings began enforcing the filing fee increase and cases will not be processed until the \$200 fee is received.

South Carolina Administrative Law Court
Office of Motor Vehicle Hearings
Edgar A. Brown Building
1205 Pendleton Street, Suite 325
Columbia, S.C. 29201
Voice: (803) 734-3201
Fax: (803)734-3200