TITLE 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.326 Third-Party Tester and Examiner Sanction and Hearing Guidelines. The department is amending sections (3) and (10).

PURPOSE: *This amendment modifies the rule to remove the certified mail requirement per HB 2180, adopted in the 2026 legislative session.*

PURPOSE: This rule establishes the guidelines for sanctioning third-party testers and examiners for not conforming to the requirements of the third-party tester contract, the laws and regulations of this state concerning commercial drivers and the provisions of the third-party tester/examiner requirements produced by the Department of Revenue. It also includes the hearing rights and procedures of such parties.

(1) As used in this rule the following terms mean:
- (A) Certification – the authority issued by the director of revenue to a third party tester to open a testing facility or to a third party examiner to administer testing for a third party tester;
- (B) Decertification – the director of revenue's removal of authority or certification from a third party tester or examiner. Such removal shall be for a minimum period of one (1) year after which time a new application may be made; and
- (C) Denial – the director does not issue a certification to a third party tester or examiner. Such tester or examiner once denied may not reapply for a period of one (1) year.

(2) The department may warn, deny, refuse to issue or renew, suspend, revoke, or decertify a third party tester or examiner's authority, whether initial or renewed. Such action may result from any violation of the third party tester contract or third party tester/examiner requirements, including but not limited to, those violations listed in the Missouri Department of Revenue Third Party Testing Program Sanctions for Examiner or Tester included herein and made a part of this rule. The department recommendations for sanctions are listed in the Department's Third Party Testing Program Sanctions for Examiners and Testers in this rule

(3) The department shall notify the tester or examiner of its proposed action to deny, refuse to issue or renew, suspend, revoke, or decertify a third-party tester or examiner certification *[by mailing via certified mail, notice to]* **at** the party's last known address in the department's records.

(10) *[Nothwithstanding]* **Notwithstanding** the provisions of section (5) of this rule the department may summarily revoke or suspend the certificate of a third-party tester, without opportunity for stay, provided that the department finds that the public safety requires emergency

action and it incorporates its findings to that effect in its notice of suspension or revocation. If so requested, a hearing to review the summary action and the underlying cause shall be held in an expedited time frame not to exceed thirty (30) days**,** and the summary suspension or revocation shall be promptly determined.

*AUTHORITY: sections 302.720, **RSMo Supp. 2026**, and **sections** 302.721, [RSMo Supp. 2013, and section] 302.765, RSMo [2000]**2016.** Original rule filed Sept. 27, 2001, effective April 30, 2002. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 10, 2026.*

**Original authority: 302.720, RSMo 1989, amended 1995, 2002, 2004, 2006, 2007, 2008, 2013; 302.721, RSMo 2002; and 302.765, RSMo 1989, amended 1993, 1995.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, General Counsel's Office, 301 West High Street, Room 670, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*