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**Rules of**  
**Department of Transportation**  
**Division 10—Missouri Highways and Transportation**  
**Commission**  
**Chapter 23—Technician Certification Program**

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## Title 7—DEPARTMENT OF TRANSPORTATION

### Division 10—Missouri Highways and Transportation Commission Chapter 23—Technician Certification Program

#### 7 CSR 10-23.010 Definitions

*PURPOSE: This rule provides definitions of terms applicable to the Missouri Department of Transportation's technician certification program.*

(1) Evaluator. An individual who has been approved by the materials qualification engineer (MQE) to administer performance evaluations.

(2) Instructor. An individual who is qualified by the technician certification coordinator (TCC) and MQE in the areas or levels to successfully perform classroom instruction and administer written examinations and performance evaluations for the technician certification program (TCP).

(3) Materials qualification engineer (MQE). Missouri Department of Transportation (MoDOT) employee responsible for managing and supervising the TCC in the administration of TCP activities statewide.

(4) Registered intern status. Temporary qualification of new hires, students working over the summer, and seasonal employees as sampling or testing technicians-in-training who operate under the direct supervision of a qualified sampling or testing technician.

(5) Review board. A board chaired by the State Construction and Materials Engineer that is responsible for making decisions regarding certification suspensions and revocations. The review board for purposes of this chapter consists of three (3) or more of the following: The State Construction and Materials Engineer, chair; the appropriate division or district engineer; or any of their delegates.

(6) Technician. An individual certified to perform sampling and acceptance testing of materials used in transportation construction projects.

(7) Technician certification coordinator (TCC). MoDOT employee responsible for administering TCP activities statewide.

(8) Technician Certification Program (TCP). A program administered by MoDOT to certify technicians who perform sample and accep-

ance testing of certain materials used in transportation construction projects.

*AUTHORITY: sections 226.020, 226.130, and 227.030, RSMo 2016 and 23 CFR Ch. 1, Part 637. Original rule filed May 7, 2002, effective Dec. 30, 2002. Amended: Filed Nov. 12, 2008, effective June 30, 2009. Amended: Filed Dec. 8, 2016, effective July 30, 2017.*

*\*Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; and 227.030, RSMo 1939.*

#### 7 CSR 10-23.020 Certification and Certification Renewal Requirements for Qualified Sampling and Testing Technicians and Sampling or Testing Technicians-in-Training

*PURPOSE: This rule provides for individuals to become certified or recertified as qualified sampling and testing technicians as required by federal regulation at Title 23 Code of Federal Regulations, Ch. 1, Part 637.*

(1) Applicability. This rule applies to all individuals seeking a certification or a certification renewal from the Missouri Department of Transportation (MoDOT) as a qualified sampling or testing technician, and any individuals seeking registered intern status from MoDOT as a sampling or testing technician-in-training under the direct supervision of a qualified sampling or testing technician.

(2) Applications. Any individual seeking a certification or a certification renewal shall complete the "Application Form—MoDOT Technician Certification Program." Any individual seeking registered intern status shall complete the "Application Form—MoDOT Intern Status Registration." These application forms can be obtained from the Internet at the MoDOT website at <http://www.modot.mo.gov> or by contacting the technician certification coordinator (TCC). Completed applications are to be forwarded to the TCC.

(3) Certification Requirements. Any individual seeking certification shall—

(A) Complete an "Application Form—MoDOT Technician Certification Program" in accordance with section (2) of this rule;

(B) Attend the classroom instruction required by MoDOT for the desired certification in accordance with section (6) of this rule;

(C) Pass the written examination in accordance with section (7) of this rule;

(D) Pass the performance examination in accordance with section (8) of this rule;

(E) Be eligible, upon passing the required examinations, for a certification that is valid

for five (5) years after issuance, and may be perpetually renewed in accordance with section (4) of this rule; and

(F) Be subject to certification suspension or revocation pursuant to 7 CSR 10-23.030.

(4) Certification Renewal Requirements. Any individual seeking certification renewal shall—

(A) Complete an "Application Form—MoDOT Technician Certification Program" in accordance with section (2) of this rule;

(B) Attend the classroom instruction required by MoDOT for the desired certification renewal in accordance with section (6) of this rule, but that individual is ineligible for certification renewal if said classroom instruction is not taken within ninety (90) calendar days after expiration of the certification desired for renewal;

(C) Pass the written examination in accordance with section (7) of this rule;

(D) Pass the performance examination in accordance with section (8) of this rule;

(E) Be eligible, upon passing the required examinations, for a certification renewal that is valid for five (5) years after issuance, and may be perpetually renewed in accordance with this section; and

(F) Be subject to certification suspension or revocation pursuant to 7 CSR 10-23.030.

(5) Registered Intern Status Requirements. Any individual seeking registered intern status shall—

(A) Complete an "Application Form—MoDOT Intern Status Registration" in accordance with section (2) of this rule;

(B) Be eligible, upon approval of the application, for registered intern status that is valid for six (6) months after application approval;

(C) Not be eligible for application approval unless the individual is a new hire, a student working over the summer, or a seasonal employee, and that individual shall not be eligible for application approval if he or she has held a technician certification under MoDOT's Technician Certification Program;

(D) Not be eligible for application approval more than once per calendar year;

(E) Be working under a supervisor who is certified through reciprocity or MoDOT TCP for all applicable test methods the intern shall perform; and

(F) Be subject to registered intern status suspension or revocation pursuant to 7 CSR 10-23.030.

(6) Classroom Instruction. Classroom instruction is required for certification and certification renewal.

(A) Course Schedule. The course schedule



and list of locations shall be available to any interested person. It is available via the Internet on the MoDOT website at <http://www.modot.mo.gov> or by contacting the TCC.

(B) Application. To apply for a course, an application must be completed and submitted pursuant to section (2) of this rule.

(C) Costs. A fee schedule for courses can be found via the Internet on the MoDOT website at <http://www.modot.mo.gov> or by contacting the TCC. Charges for the courses will be invoiced upon acceptance of enrollment.

#### (7) Written Examination Requirements.

(A) For both certification and certification renewal, the scores required for passing the written examination are—

1. Eighty-five percent (85%) for the following certification(s): Aggregate Technician, Bituminous Technician, Plasticity Index, Soil Density, Concrete Field, Concrete Strength, IRI, Binder Ignition, Compressive Strength, Aggregate Specific Gravity, Hot Mix Asphalt (HMA) Aggregate, Tensile Strength Ratio (TSR), AASHTO T85 Absorption, and Low Slump; and

2. Eighty percent (80%) for the following certification: Superpave Quality Control/Quality Assurance (QC/QA).

(B) The reported information for the written examination will be Pass or Fail. Actual written examination scores shall be provided upon request.

(C) If an individual seeking certification fails to achieve a passing written examination score for the desired certification in accordance with this section, that individual shall be permitted to take another written examination for that certification within sixty (60) days of the reporting of that failing written examination score. If that individual fails to achieve a passing score for the second written examination attempt, then he or she must start anew to complete the certification requirements pursuant to section (3) of this rule.

(D) If an individual seeking certification renewal—

1. Fails to achieve a passing written examination score for the desired certification renewal in accordance with this section, and achieves a written examination score of sixty percent (60%) or less, then that individual must start anew to complete the certification requirements pursuant to section (3) of this rule.

2. Fails to achieve a passing written examination score for the desired certification renewal in accordance with this section, but achieves a written examination score greater than sixty percent (60%), then that individu-

al shall be permitted to take another written examination for that renewal certification within sixty (60) days of the reporting of that failing written examination score. If that individual fails to achieve a passing score for the second written examination attempt, then he or she must start anew to complete the certification requirements pursuant to section (3) of this rule.

(8) Performance Examinations. The performance examinations given are demonstrations of the test procedure by the individual in the presence of an evaluator or instructor. To pass the performance examination, the individual must present a demonstration of all critical items of the test procedure. In a given performance examination, an individual is allowed two (2) opportunities to demonstrate the test procedure.

(A) If an individual seeking certification fails to successfully demonstrate the test procedure for the desired certification after exhausting both opportunities, then that individual shall be permitted to take another performance examination for that certification within sixty (60) days. If that individual fails to successfully demonstrate the test procedure for the second performance examination attempt, then he or she must start anew to complete the certification requirements pursuant to section (3) of this rule.

(B) If an individual seeking certification renewal fails to successfully demonstrate the test procedure for the desired certification renewal after exhausting both opportunities, then that individual shall be permitted to take another performance examination for that certification renewal within sixty (60) days. If that individual fails to successfully demonstrate the test procedure for the second performance examination attempt, then he or she must start anew to complete the certification requirements pursuant to section (3) of this rule.

(9) Reciprocity. Any individual certified by any other certification program as a qualified sampling or testing technician may be considered, upon request for reciprocity, as meeting the certification requirements pursuant to section (3) of this rule. Requests for reciprocity shall be submitted in writing to the TCC for consideration. The consideration of granting reciprocity rests with the TCC and his/her interpretation of the equivalency of the program content in which the individual was certified.

(A) Upon approval of reciprocity by the TCC for a specified certification, the individual requesting reciprocity shall be eligible for a certification that is valid for the time

remaining until expiration of the equivalent certification or five (5) years after reciprocity approval, whichever is of shorter duration.

(B) A certification by reciprocity approval may be perpetually renewed for five (5)-year periods in accordance with section (4) of this rule.

(C) Any individual approved for certification by reciprocity shall be subject to certification revocation pursuant to 7 CSR 10-23.030.

*AUTHORITY: sections 226.020, 226.130, and 227.030, RSMo 2016 and 23 CFR Ch. 1, Part 637.\* Original rule filed May 7, 2002, effective Dec. 30, 2002. Amended: Filed Nov. 12, 2008, effective June 30, 2009. Amended: Filed Dec. 8, 2016, effective July 30, 2017.*

*\*Original authority: 226.020, RSMo 1939; 226.130, RSMo 1936, amended 1993, 1995; and 227.030, RSMo 1939*

### **7 CSR 10-23.030 Certification Suspension and Revocation Procedures and the Appeal Process for Technicians and Sampling or Testing Technicians-in-Training**

*PURPOSE: This rule provides for the Missouri Department of Transportation to suspend or revoke a technician's certification status and the technician's right to appeal the suspension or revocation.*

#### (1) Certification Suspension and Revocation.

(A) The materials qualification engineer (MQE), after investigation of wrongdoing by a technician, shall propose suspension or revocation of the certification of that technician to the review board if he or she is found to have committed fraud, abuse, willful negligence, or has demonstrated incompetence identified by the technician's supervisor or a certified technician, verified by a second certified technician.

(B) The review board shall evaluate any proposal by the MQE to suspend or revoke the certification of a technician to determine whether action should be taken against that technician in the public interest. Depending upon the seriousness of the technician's acts or omissions, the existence of past review board actions against him or her, and any mitigating factors, the review board may take the following actions against that technician:

1. Issue a written reprimand to the technician;

2. Suspend all certifications held by the technician, reserving the right for the review board to establish in each case the effective date and length of any suspension, not to exceed one (1) year in duration;



3. Revoke all certifications held by the technician for one (1) year upon issuance of revocation, requiring the technician to seek certification anew and complete all certification requirements again pursuant to 7 CSR 10-23.020; or

4. Revoke all certifications held by the technician, prohibiting the technician from seeking certification anew pursuant to 7 CSR 10-23.020 for a period of up to ten (10) years.

(C) The MQE must notify the technician in writing within ten (10) working days of any determinations made by the review board on a proposal to suspend or revoke the technician's certification by the MQE.

(D) Any actions taken by the review board against a technician, except for certification revocation, will be removed from the technician's existing record five (5) years after the date of such actions.

#### (2) Registered Intern Status Suspension and Revocation.

(A) The MQE, after investigation of wrongdoing by an individual with registered intern status, shall propose suspension or revocation of the registered intern status of that individual to the review board if he or she is found to have committed fraud, abuse, willful negligence, or has demonstrated incompetence identified by that individual's supervisor or a certified technician, verified by a second certified technician.

(B) The review board shall evaluate any proposal by the MQE to suspend or revoke the registered intern status of an individual to determine whether actions should be taken against that individual in the public interest. Depending upon the seriousness of the individual's acts or omissions, the existence of past review board actions against him or her, and any mitigating factors, the review board may take the following actions against that individual:

1. Issue a written reprimand to the individual and supervisor if the supervisor is found to have contributed to improper procedures performed by the registered intern. The supervisor will be subject to 7 CSR 10-23.030;

2. Suspend the registered intern status held by the individual, reserving the right for the review board to establish in each case the effective date and length of any suspension, not to exceed six (6) months in duration;

3. Revoke the registered intern status held by the individual, prohibiting the individual from seeking registered intern status and certification pursuant to 7 CSR 10-23.020 for a period of up to one (1) year; or

4. Revoke the registered intern status

held by the individual, prohibiting the individual from seeking certification pursuant to 7 CSR 10-23.020 for a period of up to five (5) years.

(C) The MQE must notify the individual with registered intern status in writing within ten (10) working days of any determinations made by the review board on a proposal to suspend or revoke the individual's registered intern status by the MQE.

(D) Any actions taken by the review board against an individual with registered intern status, except for registered intern status revocation, will be removed from the individual's existing record five (5) years after the date of such actions.

#### (3) Appeal.

##### (A) Request for Informal Hearing.

1. When the MQE notifies a technician of a decision made by the review board concerning a proposal to suspend or revoke his or her certification, the technician will have the opportunity to present information and arguments and request an informal hearing by the review board. Such request must be submitted in writing to the review board through the MQE within thirty (30) days of the determination made by the review board.

2. When the MQE notifies an individual with registered intern status of a decision made by the review board concerning a proposal to suspend or revoke his or her registered intern status, the individual will have the opportunity to present information and arguments and request an informal hearing by the review board. Such request must be submitted in writing to the review board through the MQE within thirty (30) days of the determination made by the review board.

(B) Procedure. If a technician or an individual with registered intern status requests a timely informal hearing, the review board, through the MQE, shall advise that person of the time, date, and place of the informal hearing. This is not a contested case under Chapter 536, RSMo. The rules of evidence shall not apply at the informal hearing.

(C) Recourse. The decision of the review board after an informal hearing is considered final.

*AUTHORITY: sections 226.020, 226.130, and 227.030, RSMo 2016 and 23 CFR Ch. 1, Part 637.\* Original rule filed May 7, 2002, effective Dec. 30, 2002. Amended: Filed Nov. 12, 2008, effective June 30, 2009. Amended: Filed Dec. 8, 2016, effective July 30, 2017.*

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