SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1394

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DATE	D-PG	OFFICIAL STATUS
02/13/2025	386	Introduction and first reading Referred to Transportation

A bill for an act

relating to motor vehicles; amending driver's license road skills examination appointment requirements and website information; authorizing third-party testing programs and third-party testers to conduct behind-the-wheel road tests for class D drivers' licenses; specifying requirements and criteria for third-party testing programs and third-party testers; requiring audits; allowing appeals of decisions made by the commissioner of public safety; amending Minnesota Statutes 2024, section 171.13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 171.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, section 171.13, subdivision 1, is amended to read:

Subdivision 1. **Examination subjects and locations; provisions for color blindness, disabled veterans.** (a) Except as otherwise provided in this section, the commissioner must examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include:

(1) a test of the applicant's eyesight, provided that this requirement is met by submission of a vision examination certificate under section 171.06, subdivision 7;

(2) a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic;

(3) a test of the applicant's knowledge of: (i) traffic laws; (ii) the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; (iii) railroad grade crossing safety; (iv) slow-moving vehicle safety; (v) laws relating to pupil transportation safety, including the significance of school bus lights, signals, stop arm, and

passing a school bus; (vi) traffic laws related to bicycles; and (vii) the circumstances and dangers of carbon monoxide poisoning;

(4) an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and

(5) other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

(b) Notwithstanding paragraph (a), the commissioner must not deny an application for a driver's license based on the exclusive grounds that the applicant's eyesight is deficient in color perception or that the applicant has been diagnosed with diabetes mellitus. War veterans operating motor vehicles especially equipped for disabled persons, if otherwise entitled to a license, must be granted such license.

(c) The commissioner must ensure that an applicant may take an exam either in the county where the applicant resides or in an adjacent county at a reasonably convenient location. The schedule for each exam station must be posted on the department's website.

(d) The commissioner ~~shall~~ must ensure that an applicant is able to obtain an appointment for an examination to demonstrate ability under paragraph (a), clause (4), within 14 days of the applicant's request if, under the applicable statutes and rules of the commissioner, the applicant is eligible to take the examination.

(e) The commissioner must provide real-time information on the department's website about the availability and location of exam appointments. The website must show the next available exam dates and times for each exam station. The commissioner must make exam appointments available at least three months in advance. The website must also provide an option for a person to enter an address to see the date and time of the next available exam at each exam station sorted by distance from the address provided. The commissioner must stagger the release of new appointments available to applicants and must ensure appointments are released at 8 a.m., 12 p.m., and 6 p.m. or during normal business hours.

(f) The website must not require an account, license number, or other personally identifiable information in order to view available exam appointment dates and times for class D drivers' licenses.

EFFECTIVE DATE. This section is effective August 1, 2025, for examinations administered on or after that date.

Sec. 2. **[171.70] DEFINITIONS.**

(a) For purposes of sections 171.70 to 171.82, the following terms have the meanings given.

(b) "Applicant" means an entity applying for approval to be a third-party testing program.

(c) "Entity" means an individual, a natural person, or a legal or corporate person, however organized, unless otherwise expressly described or limited.

(d) "Letter of approval" means the document issued by the commissioner to the third-party testing program authorizing the program to administer road tests for class D drivers' licenses.

(e) "Road test" means the actual physical demonstration of the ability to exercise ordinary and reasonable control in the operation of a motor vehicle as required by section 171.13, subdivision 1, paragraph (a), clause (4).

(f) "Third-party tester" means an individual who is an employee of a third-party testing program who has qualified for a third-party tester certificate issued by the commissioner, granting the individual authorization to conduct road tests for class D drivers' licenses.

(g) "Third-party tester certificate" means a certificate issued by the commissioner to the third-party tester authorizing the third-party tester to administer road tests for class D drivers' licenses on behalf of a specified third-party testing program.

(h) "Third-party testing program" means a program authorized by the commissioner to administer the road test for a class D driver's license to an individual.

Sec. 3. **[171.71] THIRD-PARTY TESTER; AUTHORIZATION.**

The commissioner must allow a third-party tester that complies with the requirements of sections 171.70 to 171.82 to conduct road tests for individuals applying for class D drivers' licenses.

Sec. 4. **[171.72] PROGRAM APPLICATION; APPROVAL.**

Subdivision 1. **Application.** An applicant seeking authorization to administer road tests for class D drivers' licenses must apply to the commissioner for approval. The applicant must submit the application to the commissioner and provide the information required in subdivision 2. A third-party testing program or third-party tester employed by the program must not conduct road tests until the program is approved by the commissioner.

Subd. 2. **Application contents.** To apply for approval as a third-party testing program, an applicant must complete an application containing the following information:

(1) business name;

(2) business registration number, if a business, or tax identification number if a nonprofit entity;

(3) address of the business's administrative office;

(4) telephone number and email address of the administrative office;

(5) name of an authorized official responsible for the program and application and the official's title and telephone number;

(6) a map, drawing, or written description of the test route to be used for road tests;

(7) the name, date of birth, home address, and driver's license number of all individuals the applicant intends to employ as a certified third-party tester;

(8) an attestation that the applicant carries the required insurance, as described in chapter 65B, for all vehicles used for testing; and

(9) an attestation by the authorized official that the information is true and accurate.

Subd. 3. **Location requirement.** To qualify as a third-party testing program, the applicant must be located in the state and must maintain an administrative office in at least one permanent, regularly occupied building with a permanent address.

Subd. 4. **Employment of certified tester.** The applicant must employ one or more certified third-party testers who meet the qualifications in section 171.75.

Subd. 5. **Evaluation.** The commissioner must evaluate the application submitted by the third-party testing program applicant. If the application is satisfactory, the commissioner must approve the application.

Subd. 6. **Limitation.** The commissioner is prohibited from imposing any criteria or requirements that are not specified by this section.

Subd. 7. **Commissioner's letter of approval.** Upon approval of an application submitted under this section, the commissioner must issue a letter of approval to designate a third-party testing program. The letter of approval constitutes an agreement between the state and the third-party testing program administering road tests for class D drivers' licenses. A letter of approval issued under this section is not transferable.

Sec. 5. **[171.73] INDEMNIFICATION.**

An applicant under section 171.72 must agree to indemnify and hold harmless the state and all state officers, employees, and agents of the state from and against all claims, losses,

damages, costs, and other proceedings made, sustained, brought, or prosecuted in any manner based on or occasioned by or attributive to any injury, infringement, or damage rising from any act or omission of the third-party testing program or the program's employees in the performance of testing duties.

Sec. 6. **[171.74] USE OF CERTIFIED THIRD-PARTY TESTERS.**

The third-party testing program must allow only individuals who have been certified by the commissioner as third-party testers under sections 171.75 and 171.76 to administer road tests. The program must maintain on file in the program's administrative office a copy of the valid certificate of each third-party tester employed by the program.

Sec. 7. **[171.75] THIRD-PARTY TESTER QUALIFICATIONS.**

Subdivision 1. **Generally.** An individual seeking certification as a third-party tester must apply to the commissioner for approval. An individual seeking certification must submit an application to the commissioner and meet the requirements specified in subdivision 2.

Subd. 2. **Requirements.** To be certified as a third-party tester, the individual must:

(1) possess a valid driver's license;

(2) be 21 years of age or older;

(3) be a licensed driver in a state of the United States for the past three years;

(4) before the date of application, have maintained continuous valid driving privileges for the past year;

(5) successfully pass a prequalifying tester examination;

(6) be an employee of a third-party testing program;

(7) successfully complete the test administration training required of state-employed examiners; and

(8) have the class of driver's license and endorsements to operate the types of vehicles for which the road tests are administered.

The examination and training required by clauses (5) and (7) must be identical for state-employed examiners and third-party testers.

Subd. 3. **Employment; state employee prohibition.** A certified third-party tester must have a certificate for each third-party testing program that employs the tester. The tester must reapply and be approved for a new certificate to conduct tests on behalf of a new

third-party testing program. The tester may be simultaneously employed by more than one program. A certified third-party tester must not be an employee of the department.

Subd. 4. **Maintaining certification.** To maintain certification as a third-party tester, an individual must:

(1) conduct at least 12 road tests annually from the date of initial issuance of a third-party tester certificate;

(2) be evaluated at least annually on the administration of tests and record keeping;

(3) attend annual in-service training, workshops, or seminars provided by the commissioner, provided that the requirements are the same as testers employed by the department;

(4) submit monthly testing reports in a format specified by the commissioner; and

(5) account for all records of examinations issued by the commissioner to a third-party tester and submit the record of examination immediately to the commissioner after completing a road test.

Subd. 5. **Limitation.** The commissioner is prohibited from imposing any criteria or requirements on third-party testing programs or third-party testers that are not specified by this section.

Sec. 8. **[171.76] CERTIFICATES AND LETTER OF APPROVAL.**

Subdivision 1. **Tester certificates.** Upon approval of an application submitted under section 171.75, the commissioner must issue a certificate to each approved third-party tester of a third-party testing program. The third-party testing program must keep a copy of the certificate of each third-party tester employed by the program on file in the office of the program. A third-party tester's certificate is effective on the date of issuance by the commissioner and expires four years after issuance. A third-party tester may not conduct road tests without a valid third-party tester certificate. A certificate issued to a third-party tester is not transferable.

Subd. 2. **Certificate renewal time frame.** A third-party tester must submit an application for renewal of the tester's certificate to the commissioner no less than 30 days before the previously issued certificate expires.

Sec. 9. **[171.77] TEST PROOF.**

The third-party testing program must provide a record of examination, on a form obtained from or approved by the commissioner, to an individual who has passed a road test for a class D driver's license. The record of examination, which must be presented at the time of application for a class D driver's license, must specify that the individual has passed the required test or tests administered by the third-party testing program.

Sec. 10. **[171.78] AUDITS.**

Subdivision 1. **Random examinations; inspections; audits.** A third-party testing program approved by the commissioner must allow representatives of the commissioner, on behalf of the state, to conduct random examinations, inspections, and audits of the testing operation without prior notice.

Subd. 2. **On-site inspections.** A third-party testing program must permit on-site inspections by agents of the commissioner as necessary to determine compliance with sections 171.70 to 171.82.

Subd. 3. **Examination of test administration.** On at least an annual basis, agents of the commissioner who are state employees must be permitted to:

(1) take the tests actually administered by the third-party testing program as if the state employees were test applicants;

(2) test a sample of drivers who were examined by the third-party testing program to compare passing and failing results; or

(3) conduct a road test simultaneously with the third-party tester to compare test results.

Subd. 4. **Notice of test schedule.** Upon request, and no less than 48 hours in advance, the third-party testing program must provide the commissioner with the scheduled times and dates that skill tests and road tests are to be given.

Sec. 11. **[171.79] TEST ADMINISTRATION.**

Subdivision 1. **Generally.** Road tests conducted by a third-party tester must meet the requirements in Minnesota Rules, parts 7410.4800 to 7410.5380. The commissioner is prohibited from imposing additional test administration criteria or requirements on third-party testers.

Subd. 2. **Third-party tester restrictions.** A third-party tester must not:

(1) delegate any portion of testing to another individual;

(2) be the spouse, fiancé, grandparent, parent, child, sibling, or legal guardian, including adoptive, half-, step-, and in-law relationships, of the person taking the test;

(3) test anyone with a physical disability who may need an individualized restriction added to the person's driver's license; or

(4) test anyone who has not completed all required coursework and training before administering a road test.

Sec. 12. **[171.80] RECORD KEEPING; REPORTING REQUIREMENTS.**

Subdivision 1. **Records of administered tests.** An approved third-party testing program must maintain, at the program's administrative office for a minimum of three years, the tester's copy of the record of examination of any driver for whom the third-party testing program conducts a test, whether or not the driver passes or fails the test. Each record of examination must include the:

(1) full name of the driver;

(2) date the driver took the test; and

(3) name and certificate number of the third-party tester conducting the test.

Subd. 2. **Records of third-party testers.** The third-party testing program must maintain, at the program's administrative office, a record of each third-party tester in the employ of the third-party testing program at that location. Each record must include:

(1) a valid and complete tester certificate indicating the third-party tester has met all qualifications;

(2) a copy of the third-party tester's current driving record, which must be updated annually; and

(3) evidence that the third-party tester is an employee of the third-party testing program.

Subd. 3. **Record retention.** The third-party testing program must retain all third-party tester records for three years after a third-party tester leaves the employ of the third-party testing program.

Subd. 4. **Reporting requirements.** The third-party testing program must report the number of road tests administered annually by all third-party testers employed by the program. The report must be in writing or in an electronic format approved by the commissioner and must be received by the commissioner within 45 days of the end of each calendar year.

Subd. 5. **Data Practices Act.** All third-party testing programs and third-party testers are subject to section 13.05, subdivision 11.

Sec. 13. **[171.81] NOTIFICATION REQUIREMENTS.**

Subdivision 1. **Generally.** The third-party testing program must ensure that the commissioner is notified in writing or electronically:

(1) 30 days before any change in the third-party testing program's name or address;

(2) ten days before a third-party tester leaves the employ of the third-party testing program;

(3) within ten days of a change in a third-party tester's driving status;

(4) within ten days of the third-party testing program ceasing business operations in Minnesota; or

(5) within ten days of a third-party tester:

(i) receiving notice from any state that the tester's driving privileges have been withdrawn; or

(ii) failing to comply with the third-party testing program or third-party tester requirements in sections 171.70 to 171.82.

Subd. 2. **Test route change.** Before changing a test route, a third-party testing program must submit a written request and obtain written approval from the commissioner for any proposed change in the road test route. The request may be submitted by facsimile or email.

Subd. 3. **Tester change.** A third-party tester must notify the commissioner within ten days of leaving the employ of a third-party testing program.

Sec. 14. **[171.82] DENIAL, CANCELLATION, OR SUSPENSION OF PROGRAM OR TESTER; APPEAL.**

Subdivision 1. **Denial.** The commissioner may deny an application for a third-party testing program or tester certificate if the applicant does not qualify for approval or certification under sections 171.70 to 171.81. A misstatement or misrepresentation on the application is grounds for denying a letter of approval or tester certificate.

Subd. 2. **Cancellation or suspension.** The commissioner may cancel the approval of a third-party testing program or third-party tester or may suspend a program or tester for:

(1) failure to comply with or satisfy any provision of sections 171.70 to 171.81;

(2) falsification of any records or information relating to the third-party testing program;

(3) performance in a manner that compromises the integrity of the third-party testing program. The commissioner must use the same standards of integrity for state-employed testers and third-party testers; or

(4) the withdrawal of a third-party tester's driving privileges.

Subd. 3. **Commissioner's discretion.** (a) The existence of grounds for cancellation or suspension under subdivision 2 is determined at the sole discretion of the commissioner. If the commissioner determines that grounds for cancellation or suspension exist for failure to comply with or satisfy any requirement in sections 171.70 to 171.81, the commissioner may immediately cancel or suspend the third-party testing program or third-party tester from administering any further tests.

(b) When an application to be a third-party testing program or third-party tester is denied, or when an individual program approval or a tester's certificate is canceled, notice must be mailed to the subject indicating the reasons for the denial or cancellation and that the third-party testing program or third-party tester may appeal the decision as provided in subdivision 5.

Subd. 4. **Correction order.** If an audit by the commissioner identifies a situation that needs correction but does not merit suspension or cancellation, the commissioner may issue a correction order to a third-party tester or program within 30 days to correct a deficiency before the program or tester becomes subject to suspension or cancellation. The notice must include the basis for requiring the correction. The notice must notify the individual of the ability to appeal the correction order as provided in subdivision 5. The third-party testing program or third-party tester is allowed 30 days to correct the deficiency without having to reapply.

Subd. 5. **Notice of denial or cancellation; request for reconsideration and hearing.** (a) Within 20 calendar days of receiving a notice of cancellation or denial issued pursuant to subdivision 3 or a correction order issued pursuant to subdivision 4, the third-party testing program or third-party tester may submit a request for reconsideration in writing to the commissioner. The commissioner must review the request for reconsideration and issue a decision within 30 days of receipt of the request. Upon receipt of the commissioner's decision, the affected party may initiate a contested case proceeding under chapter 14.

(b) As an alternative to the process in paragraph (a), the affected party may initiate a contested case proceeding within 20 calendar days of receiving a notice of cancellation or

denial issued pursuant to subdivision 3 or a correction order issued pursuant to subdivision 4.

(c) If a correction order issued pursuant to subdivision 4 is contested as provided in paragraph (a) or (b), the commissioner must not enforce the correction order until a final decision has been made following the contested case proceeding.

Sec. 15. **IMPLEMENTATION.**

The commissioner of public safety must implement the requirements of this act with existing resources. The commissioner must not hire additional staff to implement the requirements of this act or to conduct audits as required by Minnesota Statutes, section 171.78.

Sec. 16. **EFFECTIVE DATE.**

Sections 2 to 15 are effective August 1, 2025.