

171.13 EXAMINATION.

Subdivision 1. Examination subjects and locations; provisions for color blindness, disabled veterans. (a) Except as otherwise provided in this section, the commissioner shall 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 shall make provision for giving the examinations under this subdivision either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

(d) The commissioner shall 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.

Subd. 1a. Waiver when license issued by another jurisdiction. (a) The commissioner may waive the requirement that the applicant demonstrate ability to exercise ordinary and reasonable control in the operation of a motor vehicle on determining that the applicant possesses a valid driver's license issued by a jurisdiction that requires a comparable demonstration for license issuance.

(b) For purposes of this subdivision, "jurisdiction" includes, but is not limited to, both the active and reserve components of any branch or unit of the United States armed forces, and "valid driver's license" includes any driver's license that is recognized by that branch or unit as currently being valid, or as having been valid at the time of the applicant's separation or discharge from the military within a period of time deemed reasonable and fair by the commissioner, up to and including one year past the date of the applicant's separation or discharge.

Subd. 1b. MS 2010 [Renumbered 171.0705, subdivision 1]

Subd. 1c. MS 2010 [Renumbered 171.0705, subd 6]

Subd. 1d. MS 2010 [Renumbered 171.0705, subd 9]

Subd. 1e. Slow-moving vehicle. The commissioner shall include, in each examination under subdivision 1, an examination of the applicant's knowledge of highway safety with respect to approaching, following, and passing slow-moving vehicles and the significance of the slow-moving vehicle emblem.

Subd. 1f. MS 2010 [Renumbered 171.0705, subd 2]

Subd. 1g. MS 2010 [Renumbered 171.0705, subd 4]

Subd. 1h. MS 2010 [Renumbered 171.0705, subd 8]

Subd. 1i. MS 2010 [Renumbered 171.0705, subd 10]

Subd. 1j. MS 2010 [Renumbered 171.0705, subd 7]

Subd. 1k. MS 2010 [Renumbered 171.0705, subd 5]

Subd. 1l. [Renumbered 171.0705, subd 3]

Subd. 2. Examination upon renewal. (a) The department shall issue a driver's license upon renewal:

(1) when the applicant has passed an examination consisting of a screening of the applicant's eyesight since the last previous license renewal or issuance;

(2) if applicable, when an applicant has passed a written examination since the last previous license renewal or issuance and after receiving a warning letter or attending a preliminary hearing as a habitual violator, within the meaning of rules adopted by the commissioner; and

(3) if applicable, when an applicant has passed a road examination since the last previous license renewal or issuance and after having had driving privileges suspended as a habitual violator, within the meaning of rules adopted by the commissioner.

(b) A screening of eyesight required by this subdivision does not constitute the practice of optometry as defined in section 148.56.

(c) The commissioner may adopt rules to administer this subdivision.

Subd. 3. Examination of licensed driver. The commissioner may require an examination by such agency as the commissioner directs of any licensed driver, to determine incompetency, physical or mental disability or disease, or any other condition which might affect the driver from exercising reasonable and ordinary control over a motor vehicle, but no examination shall be required only for the reason that any licensed driver has attained a certain age. If as a result of the examination the commissioner believes that the driver is an unsafe person to operate a motor vehicle upon the public highways, the commissioner may cancel the driver's license of the person. The commissioner shall give the person written notice of the cancellation.

Subd. 4. Cancellation for failure to submit to examination. If a licensee does not submit to any examination required under the provisions of subdivision 3, the commissioner may cancel the driver's license of the licensee. If such license is canceled, the licensee shall immediately surrender to the department all driver's license certificates in possession.

Subd. 5. Examination fee for vehicle endorsement. Any person applying to secure a school bus, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement on the person's driver's license shall pay a \$2.50 examination fee at the place of application.

Subd. 6. Two-wheeled vehicle endorsement examination fee. A person applying for an initial two-wheeled vehicle endorsement on a driver's license shall pay at the place of examination a \$2.50 examination fee, an endorsement fee as prescribed in section 171.06, subdivision 2a, and the appropriate driver's license fee as prescribed in section 171.06, subdivision 2.

Subd. 7. Examination fees. (a) A fee of \$10 must be paid by an individual to take a third and any subsequent knowledge test administered by the department if the individual has failed two previous consecutive knowledge tests on the subject.

(b) A fee of \$20 must be paid by an individual to take a third and any subsequent skills or road test administered by the department if the individual has previously failed two consecutive skill or road tests in a specified class of motor vehicle.

(c) A fee of \$20 must be paid by an individual who fails to appear for a scheduled skills or road test or who cancels a skills or road test within 24 hours of the appointment time.

(d) All fees received under this subdivision must be paid into the state treasury and credited to the driver services operating account in the special revenue fund specified under section 299A.705.

Subd. 8. Test scheduling. The commissioner must not schedule or reserve recurring time with a public, private, or commercial driver education program for purposes of administering skills or road tests to a class D or commercial driver's license applicant.

Subd. 9. Online driver's license knowledge testing authorization. (a) The commissioner must implement online knowledge testing as provided in this subdivision. The commissioner must not charge a fee to a driver education program or an authorized entity for access to the online knowledge testing system or for administering the online knowledge test. The commissioner must administer the fourth or subsequent knowledge test for a person.

(b) Upon written request from a driver education program licensed by the department, the commissioner must grant access to the department's web-based knowledge testing system to the driver education program. Once granted access to the online knowledge testing system, a driver education program may administer the online knowledge test to a student of the program.

(c) An entity other than a driver education program may apply to the commissioner for authority to administer online knowledge tests. The commissioner may approve or disapprove an application for administering the online knowledge tests under this paragraph. Upon approving an application of an entity, the commissioner must grant access to the department's web-based knowledge testing system to that authorized entity. Once granted access to the online knowledge testing system, the authorized entity may administer the online knowledge test.

(d) A driver education program or authorized entity:

- (1) must provide all computers and equipment for persons that take the online knowledge test;
- (2) must provide appropriate proctors to monitor persons taking the online knowledge test; and
- (3) may charge a fee of no more than \$10 for administering the online knowledge test.

(e) For purposes of paragraph (d), clause (2), a proctor must be:

(1) an employee of the driver education program, authorized entity, or a state or local government;

(2) a driver's license agent; or

(3) a classroom teacher, school administrator, or paraprofessional at a public or private school, excluding a home school.

The proctor must be physically present at the location where the test is being administered. A proctor must not be a relative of the person taking the test. For purposes of this paragraph, a relative is a spouse, fiancee, fiance, grandparent, parent, child, sibling, or legal guardian, including adoptive, half, step, and in-law relationships.

History: 1939 c 401 s 13; 1947 c 479 s 1; 1949 c 128 s 1; 1971 c 644 s 13; 1971 c 846 s 1; 1973 c 698 s 5; 1981 c 357 s 64; 1983 c 53 s 1; 1986 c 330 s 2; 1986 c 444; 1988 c 712 s 1; 1989 c 307 s 25; 1991 c 298 art 2 s 3,4; art 7 s 4; 1993 c 142 s 3; 1993 c 187 s 20,21; 1993 c 347 s 13; 1995 c 72 s 3,4; 1995 c 104 s 2,3; 1996 c 333 s 2; 1997 c 159 art 2 s 33,34; 2002 c 305 s 2; 2002 c 371 art 1 s 59; 2005 c 53 s 1; 2005 c 56 s 1; 1Sp2005 c 6 art 2 s 40,41; art 3 s 70; 2008 c 350 art 1 s 58-60; 2010 c 356 s 3; 2011 c 70 s 2-4; 2014 c 312 art 11 s 21; 2Sp2020 c 2 s 1,2; 1Sp2021 c 5 art 4 s 73-76