

HOUSE RESEARCH

Bill Summary

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Overview

This bill creates a system for specific types of organizations (such as private motor carrier businesses, bus companies, and school districts) to provide third-party skill and road testing for a commercial driver's license or a motorcycle endorsement. It sets eligibility and certification requirements for the entities as well as for individual testers that administer the exams, and establishes various related administrative provisions.

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- 1 **Commercial driver's license.** Defines "commercial driver's license" in the chapter on driver licensing, to use a definition in federal regulations.
- 2 **Third-party tester.** Defines "third-party tester" in the chapter on driver licensing to be an individual who is certified by the Department of Public Safety to administer road or skills driver licensing tests.
- 3 **Third-party testing program.** Defines "third-party testing program" in the chapter on driver licensing to be an organization or entity that is authorized to administer road or skills driver licensing tests.
- 4 **[171.1615] Third-party testing program eligibility.** Establishes eligibility requirements for each type of entity that can administer a program of third-party driver's license testing. Provides for eligibility of the following entities to create a third-party testing program:
 - ▶ motor carriers
 - ▶ school bus companies

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- ▶ public postsecondary schools (under the Minnesota State Colleges and Universities system or under North Central Association of Colleges and Schools)
- ▶ school districts
- ▶ nonprofits administering motorcycle safety courses
- ▶ transit authorities

Depending on the entity, the driver taking a test must either be an employee of that entity or an enrolled student (or in some situations an employee of another school district or bus company).

5 [171.1616] **Third-party tester qualifications.** Establishes requirements for an individual to be a third-party tester and administer road and skills examinations.

Subd. 1. Generally. Sets general requirements for certification as a third-party tester, including possession of the appropriate driver's license for the type of vehicle for which tests would be administered, employment by an entity that provides third-party testing, and completion of the same training in administering the test as is required of state employees.

Subd. 2. State employee. Prohibits state employees from being third-party testers.

Subd. 3. Driver education instructor. Prohibits driver's education instructors from being third-party testers, except for motorcycle driver education programs.

Subd. 4. Motorcycle tester qualifications. Requires Motorcycle Safety Foundation instructor certification, under specified 2001 standards, in order for a person to be a third-party tester for a motorcycle endorsement.

Subd. 5. Employment. Permits an individual to be employed by more than one entity that provides third-party testing, and requires the individual to have a certificate for each testing program.

Subd. 6. Maintaining certification. Establishes requirements for an individual to continue being certified as a third-party tester.

6 [171.1617] **Test administration.** Establishes various administrative provisions that govern third-party driver testing.

Subd. 1. Requirements. Makes the road and skills tests subject to requirements set in administrative rules.

Subd. 2. Third-party tester restrictions. Restricts to whom a third-party tester can administer a test, prohibits delegating test administration, and limits the test fee to no more than \$100.

Subd. 3. Repeat test limit. Permits a second road or skills test following a failed test if specified requirements are met and prevents a third-party tester from administering third or subsequent testing attempts.

Subd. 4. Bilateral agreements. Permits school districts qualified for third-party testing to enter into an agreement to test employees of other districts who are part of

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the agreement, subject to approval by the Department of Public Safety. The same agreement mechanism also applies to school busing companies.

Subd. 5. Testing contingencies. Makes third-party driver's license test passage conditional on some requirements being met, and authorizes retesting by a state examiner under some circumstances.