

7410.5320 EVENTS RESULTING IN TEST FAILURE.

The commissioner shall consider a test failed if any event described in items A to L occurs:

A. The commissioner shall immediately discontinue a test if the applicant misses three or more items of the class D motor vehicle equipment demonstration.

B. The commissioner shall immediately discontinue a test if the applicant misses eight or more items of the school bus pretrip inspection, is not able to operate a school bus safety system, or fails to locate the first aid or body fluids clean-up kit.

C. The commissioner shall immediately discontinue a test in a commercial motor vehicle equipped with air brakes if the applicant misses all three of the in-cab air brake inspection items required by Code of Federal Regulations, title 49, section 383.113.

D. A test is failed if the applicant accumulates a point deduction of more than 20 on a class A, B, C, or D road test.

E. A test is failed if the applicant incurs more than three perceived risk errors on a class A, B, C, or D road test.

F. A test is failed if the applicant accumulates a point deduction of more than ten on the motorcycle skills test.

G. A test is failed if the applicant incurs more than three errors scored on the motorized bicycle skills test.

H. A test is failed if the applicant is involved in an accident or crash that could have been prevented by the applicant, regardless of who was responsible. An accident or crash includes contact with another vehicle, a pedestrian, a fixed object, or a parking flag.

I. A test is failed if the applicant violates a traffic law for which a driver might normally be ticketed or arrested.

J. A test is failed if the applicant operates the vehicle in such a way as to commit an action that may endanger people or property. Dangerous actions include:

- (1) driving the vehicle over a curb or onto a sidewalk;
- (2) forcing another driver or pedestrian to react defensively to avoid an accident;
- (3) an inability to control the vehicle;
- (4) stopping on a railroad track;
- (5) driving in the wrong lane when lanes are clearly marked;
- (6) turning from the wrong lane when lanes are clearly marked;

(7) an inability to back up a commercial motor vehicle in a straight line or to back it up to a loading dock; or

(8) committing an error that requires the commissioner to control the vehicle or aid the driver to avoid an accident.

K. A test is failed if the applicant does not cooperate with the commissioner or the applicant refuses to perform a maneuver.

L. A test is considered failed if the test is not completed because vehicle failure, applicant illness, or weather conditions prevent completion, or the vehicle is disabled in an accident or crash that could not have been prevented.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

Published Electronically: *October 11, 2007*