

7410.6460 TEST ADMINISTRATION.

Subpart 1. **Generally.** Road tests and skills tests conducted by a third-party tester must meet the requirements in parts 7410.4000 to 7410.5600.

Subp. 2. **Third-party tester restrictions.** A third-party tester shall not:

- A. test a driver who does not possess a valid Minnesota driver's license;
- B. delegate any portion of testing to another individual;
- C. test an individual who is not a bona fide employee of a third-party testing program, or test an individual who is not enrolled as a full-time student of the third-party testing program;
- D. test a person related to the tester by blood, marriage, or adoption;
- E. test any person for a fee;
- F. test anyone with a physical disability who may need an individualized restriction added to the person's driver's license; or
- G. test anyone who has not completed all course work and exercises before administering a road test or skills test.

Subp. 3. **Repeat test limit.**

A. A third-party testing program may administer a second skills or road test to a student who has failed the initial skills or road test only if the student:

- (1) completes four more hours of training, including a skills test, beyond that normally provided by the licensed driver education program; and
- (2) for motorcycle course students, completes a practice time of no less than one week after the failed test.

B. A student who completes a third-party testing program's driver's education course and twice fails the skills or road test administered by the program, may only take subsequent skills or road tests administered by state examiners.

Subp. 4. **Bilateral agreements.** Subpart 2, item C notwithstanding, a third-party testing program that is a school district that owns or operates school buses may enter into an agreement with other school districts to test the other district's school bus driver employees.

A. The agreement must be submitted to the commissioner with the application for approval to be a third-party testing program.

B. Certified third-party testers must be employed by the school district providing the test services.

Subp. 5. **Testing contingencies.** A third-party testing program must inform each test applicant that:

A. test results and test passage are contingent upon:

(1) remaining employed with the third-party testing program for three months following the test administration date; or

(2) completing the approved or licensed truck driver training or motorcycle driver education program; and

B. state examiners may retest a student or employee if:

(1) required by a state or federal audit; or

(2) there is reason to believe the test was not appropriately administered under this chapter.

Statutory Authority: *MS s 299A.01*

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