

7410.6520 DENIAL, CANCELLATION, OR SUSPENSION OF PROGRAM OR TESTER CERTIFICATE.

Subpart 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 parts 7410.6000 to 7410.6500. In addition, a misstatement or misrepresentation is grounds for denying a letter of approval or tester certificate.

Subp. 2. **Cancellation or suspension.** The commissioner reserves the right to cancel the delegation of third-party testing in its entirety or an individual program if a federal audit indicates that continuation of the general delegation or individual program will jeopardize the receipt of federal funds or the state's ability to issue commercial drivers' licenses. The commissioner may cancel the approval of a third-party testing program or third-party tester or may suspend a program or tester for:

- A. failure to comply with or satisfy any provision of parts 7410.6000 to 7410.6520;
- B. falsification of any records or information relating to the third-party testing program;
- C. performance in a manner that compromises the integrity of the third-party testing program; or
- D. the withdrawal of a third-party tester's driving privileges.

Subp. 3. **Commissioner's discretion.** The existence of grounds for cancellation or suspension under subpart 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 parts 7410.6000 to 7410.6520, the commissioner may immediately cancel or suspend the third-party testing program or third-party tester from administering any further tests.

Subp. 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 for 30 days to correct a deficiency before the program or tester becomes subject to suspension or cancellation. The third-party testing program or third-party tester is permitted 30 days to correct the deficiency without having to reapply.

Subp. 5. **Notice of denial or cancellation; request for reconsideration and hearing.** When an application to be a third-party testing program or third-party tester application is denied, or when individual program approval or a tester's certificate is canceled, a notice

must be mailed to the subject indicating the reasons for the denial or cancellation and that a reconsideration and hearing of the action may be requested.

A. The notice must indicate that the subject of the action has 20 calendar days from the date of the notice to submit a request for reconsideration in writing to the commissioner.

B. The commissioner shall review the request for reconsideration and issue a decision within 30 days of receipt of the request.

C. Upon receipt of the commissioner's decision, the affected party may request a contested case hearing under chapter 1400 and Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

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