

## S.F. No. 3531 – Third-party CDL Testing (1<sup>st</sup> engrossment)

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**S.F. 3531** allows third parties to perform road tests for applicants for commercial driver’s licenses (CDLs).

**Section 1 [§171.13; Examination subjects and locations; provisions for color blindness, disabled veterans]** makes a conforming change to allow third parties to conduct CDL road tests.

**Section 2 [§171.135; Third-party commercial driver’s license road tests]** authorizes third parties to perform CDL road test and sets forth the requirements.

**Subdivision 1 [Definitions]** provides definitions for the section.

**Subdivision 2 [Third-party testing program; application]** requires a third-party testing program to apply to the commissioner for approval to administer third-party CDL road tests. The contents of the application are specified.

**Subdivision 3 [Third-party testing program; office location]** requires the applicant to be located in the state.

**Subdivision 4 [Third-party testing program; evaluation and approval]** requires the commissioner to evaluate each application submitted by the applicant. If the application is satisfactory, the commissioner must approve the application and issue a letter of approval to the program. A letter of approval is not transferrable.

**Subdivision 5 [Third-party tester; authority]** allows a third-party tester to conduct road tests for a CDL if the person meets the specified requirements. A third-party tester is subject to the same requirements as an examiner employed by the state.

**Subdivision 6 [Third-party tester; certificates]** requires the commissioner to issue a third-party tester certificate to an individual who satisfactorily completes the required training and is authorized as a tester. A certificate is valid for 4 years and is not transferrable.

**Subdivision 7 [Training and information]** requires the commissioner to provide a training process that allows individuals to become authorized third-party testers. The commissioner must provide to each third-party tester all relevant information on how to conduct the road test.

**Subdivision 8 [Road tests]** requires a third-party tester to conduct the CDL road test in the manner required by state and federal law. If the tester also provides behind-the-wheel instruction, they must not use the same routes for training and testing. Upon passing the road test, the tester must provide the person with a certificate of passage. The commissioner must administer the fourth or subsequent road test for a person.

**Subdivision 9 [Prohibited examinations]** prohibits a third-party tester from conducting a road test for a person when the commissioner requires additional examination of the person to determine physical or mental competency.

**Subdivision 10 [Immunity]** provides that the department is held harmless for claims made based on any injury or damage arising from a third-party tester or program in performance of testing duties.

**Subdivision 11 [Application]** provides that this section does not apply to the commissioner or state employees that conduct road tests.

**Subdivision 12 [Oversight; investigations]** requires the commissioner to monitor and audit road tests conducted by third-party testers. The commissioner must establish a process to investigate violations of the law and complaints made against third-party testers or programs.

**Subdivision 13 [Denial; cancellation; suspension]** allows the commissioner to deny an application for a third-party tester or program if the applicant does not qualify for certification. The commissioner may cancel approval of a program or tester or suspend a program or tester for specified reasons.

**Subdivision 14 [Commissioner's discretion]** specifies that the grounds for cancelling or suspending under **subdivision 13** are determined at the commissioner's discretion. When an application is denied or the approval or certificate is cancelled, a notice must be mailed to the third-party tester or program stating the reason. The third-party tester or program may appeal as provided in **subdivision 16**.

**Subdivision 15 [Correction order]** says that 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 the third-party tester or program for 30 days to allow the deficiency to be corrected. The third-party tester or program may appeal as provided in **subdivision 16**.

**Subdivision 16 [Notice of denial or cancellation; request for reconsideration and hearing]** allows a third-party tester or program to submit to the commissioner a request for reconsideration of a cancellation or denial. The commissioner must review the request and issue a decision. After receiving the commissioner's decision, the third-party party or tester may request a contested case hearing under **chapter 14**. Alternatively, the third-party tester or program can initiate a contested case hearing instead of requesting reconsideration. The commissioner cannot enforce a correction order until an appeal is complete.

**Subd. 17 [Rulemaking]** authorizes the commissioner to adopt rules to implement the requirements of this section, with restrictions.

**Section 3 [Rules]** requires the commissioner of public safety to report to the legislature if rulemaking is required beyond what is authorized by section 2.

**Section 4 [Appropriation]** appropriates money from the driver services operating account to the commissioner to implement and administer the requirements of the bill.

**Section 5 [Repealer]** repeals a rule on instructor training qualifications.