



Department of Public Safety
Driver and Vehicle Services

Online Knowledge Testing Report

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Introduction

On July 21, 2020, the legislature passed legislation requiring the Department of Public Safety Driver and Vehicle Services Division (DPS-DVS) to implement online driver's license knowledge testing no later than November 1, 2020. In addition to appropriating money for implementation of online knowledge testing, the legislature required the Commissioner of DPS to submit a report to the legislature providing details and making recommendations regarding online knowledge testing (Laws of Minnesota, 2020, 2nd Special Session, Chapter 2, Sections 2 and 3).

Governor Tim Walz signed the legislation authorizing online driver's license knowledge testing (online test(ing)) on July 23, 2020, and DPS-DVS immediately began planning and preparing to implement online testing. On October 5, 2020, DPS-DVS made the Class D driver's license knowledge test available online at home and through third party proctors.

Between October 5, 2020, and November 29, 2021, a total of 152,587 online tests were initiated, and 115,264 were completed and received results. This included online tests at home and with third party proctors, including licensed driver education programs authorized to provide the online testing. Of the 152,587 online tests initiated, 5,991 were completed via a third party proctor.

On July 1, 2021, DPS-DVS disabled at home online testing following legislative changes to proctor requirements during the 2021 1st Special Session and the end of the peacetime state of emergency. Currently, Class D knowledge tests are available through authorized licensed driver education programs, authorized third party proctors, and by appointment at exam stations. As of December 14, 2021, DPS-DVS authorized 72 driver education programs and 38 third party proctors to administer the online knowledge test. Between July 1, 2021, and December 14, 2021, these third party proctors initiated 5,967 tests with 5,785 completed with results.

Recommendations

Fees

Minnesota Statutes section 171.13, subdivision 9(d)(3) allows a licensed driver education program or authorized third party proctor to charge a fee of up to \$10 for administering the online test. These entities providing the online test are required to provide computers for individuals to take the test and provide appropriate proctors to monitor the individuals taking the test.

DPS-DVS has not requested feedback from the authorized entities about whether the fee is sufficient to cover the cost of administering online testing. However, DPS-DVS is aware that some entities have been charging additional service fees not authorized by statute to individuals who sign up to take the online test through their program. At this time DPS-DVS does not have enough data to recommend whether the \$10 fee should be changed, but DPS-

DVS recommends adding clarification about whether authorized entities can charge other types of fees related to the administration of the online test.

Entities Authorized to Administer

Minnesota Statutes section 171.13, subdivision 9, authorizes two types of entities to administer the online test with authorization from DPS-DVS; licensed driver education programs and other entities. DPS-DVS has authorized many types of other entities to administer the online test including: community outreach programs; community education programs; libraries; deputy registrars; driver's license agents; and schools. Under the current language, any entity interested in providing online testing can enter into an agreement with DPS-DVS to administer the tests. The current language in the statute is sufficiently broad to include multiple types of entities, and DPS-DVS recommends no change to this section of the statute.

Driver Education Programs

Minnesota Statutes section 171.13, subdivision 9(b) allows licensed driver education programs to administer the online test to individuals who are students of their program. However, student is not defined in the statute or rule. DPS-DVS recommends allowing licensed driver education programs to administer the online test to any individual. DPS-DVS oversees driver education programs through the licensure process and does not see a reason to treat the licensed driver education programs differently than other types of entities that administer the online test. In addition, allowing licensed driver education programs to administer the knowledge test to anyone increases access to the knowledge test for Minnesotans.

Legislative Change Considerations

DPS-DVS has a little more than one year of experience allowing other entities to administer the online test. Over that period of time, DPS-DVS developed several recommendations for legislative changes or clarifications, which are outlined below. DPS-DVS also recognizes the program is relatively new, and there may be additional insights gained as more entities begin and continue to administer the online test.

Definitions

Student of a driver education program is not a defined term in either Minnesota Statutes Chapter 171 or in Minnesota Rules for licensed driver education programs. This lack of a clear definition has led to questions about whether licensed driver education programs can enroll an individual in their program solely for the purpose of administering the online test. There is little guidance in the statute about why a licensed driver education program should be treated differently than the other entities authorized to administer the knowledge test. DPS-DVS recommends adding a definition of student and clarifying whether licensed driver education programs can only administer the knowledge test to individuals who take a full driver education course from the program. The same result can be reached by removing the "student" language from subdivision 9(b).

Online Testing At Home

From October 2020 through July 1, 2021, the online test was available to individuals at home. DPS-DVS recommends the statute be amended to authorize individuals to take the online test at home. The at home online test was extremely popular with customers. Individuals who live in an area far from an exam station or third party proctor, were able to access the online test at a time convenient for them without needing to travel. Many parents of minors taking the online test expressed appreciation that they did not need to make an appointment or take time away from work to drive their child to a location to take the knowledge test. North Dakota recently began offering online testing at home. The at home online option reduces demand for knowledge tests at exam stations which increases the ability of exam stations to provide other testing that cannot be done at home, such as commercial driver's license knowledge testing and road tests.

DPS-DVS recognizes there are some concerns about the validity and security of online testing at home. However, DPS-DVS developed several safeguards and has existing enforcement mechanisms to address those concerns.

- DPS-DVS can limit the amount of time a person has between registering to take the test and taking the test to ensure they are only registering to take the test at the time they are actually ready to complete the test.
- DPS-DVS can track and limit the amount of tests that one individual can proctor in one day.
- DPS-DVS could require individuals to only take the knowledge test on a computer equipped with a web cam. DPS-DVS has the ability to implement a feature that would require the knowledge test proctor to look into the camera at the beginning of the test and at random times throughout the test to ensure that the proctor remains present throughout the test.

In addition, there are existing penalties for individuals who allow someone else to take any part of the knowledge test for them, including criminal penalties and driver's license suspension. (Minn. Stat. sec. 171.22, subd. 1(6); Minn. Stat. sec. 171.18, subd. 1(9)). DPS-DVS recommends legislative changes to allow an at home online test option with appropriate safeguards to ensure the integrity of the process.

Recordkeeping

DPS-DVS recommends the statute allowing other entities to administer the online test include requirements about what types of records the third party proctor must maintain as well as record retention requirements. DPS-DVS conducts audits of third party proctors to ensure that they are complying with the requirements for administering the online test. However, the statute is silent about what types of records the entity must maintain. At a minimum, DPS-DVS recommends third party proctors be required to maintain a list of the individuals to whom they administer the test, as well as a list of the proctors who administer the test. Standard recordkeeping requirements would make the audit process more efficient as well as improve the ability of DPS-DVS to identify any potential testing abnormalities or security concerns.

Enforcement

DPS-DVS recommends the statute be amended to include specific consequences for authorized entities who are found in violation of the terms of their authorization to administer the online test. Currently, DPS-DVS uses memorandums of understanding to create a contract between an authorized entity and DPS-DVS. DPS-DVS recommends the enforcement authority related to third party proctors be strengthened to clearly state that DPS-DVS has the authority to terminate access to the online knowledge test for any authorized entity who violates the terms of their authorization or violates the proctoring requirements. This would help ensure the integrity and security of the online knowledge test.

Summary

This report is submitted pursuant to Minnesota Session Laws 2020, 2nd Special Session, Chapter 2, Section 3, subdivision 2. Availability of online knowledge testing provides an important service to Minnesotans and DPS-DVS supports the continuation of this service. DPS-DVS recommends restoring the at home online knowledge testing option with adequate security measures to provide convenient access to the knowledge test for Minnesotans and improve availability of other required testing at exam stations. DPS-DVS also recommends standardization of record keeping for third party proctors and enforcement authority for DPS-DVS when proctors do not comply with requirements. DPS-DVS welcomes the opportunity to partner with the legislature and stakeholders to ensure that online knowledge testing continues to be available to Minnesotans while maintaining the integrity of the exam.