

1.1 ..... moves to amend H.F. No. 4097 as follows:

1.2 Page 1, after line 5, insert:

1.3 "Section 1. Minnesota Statutes 2018, section 171.13, is amended by adding a subdivision  
1.4 to read:

1.5 Subd. 2a. Repeat behind-the-wheel examinations. If a person is 18 or more years of  
1.6 age, has not successfully completed a course of driver education, and does not pass the  
1.7 behind-the-wheel examination under subdivision 1, paragraph (a), clause (4), prior to retaking  
1.8 the examination, the person must:

1.9 (1) receive at least three hours of behind-the-wheel training from an approved public,  
1.10 private, or commercial driver education program; and

1.11 (2) if retaking the examination for the first time, submit a supervised driving log that  
1.12 meets the same requirements as for a provisional license under section 171.055, subdivision  
1.13 1, paragraph (a), clauses (5) and (6)."

1.14 Page 2, after line 6, insert:

1.15 "Sec. 4. **THIRD-PARTY BEHIND-THE-WHEEL TESTING PILOT PROGRAM.**

1.16 Subdivision 1. Definitions. (a) For purposes of this section, the following definitions  
1.17 have the meanings given.

1.18 (b) "Applicant" means the individual taking the behind-the-wheel examination as part  
1.19 of an application for a driver's license.

1.20 (c) "Behind-the-wheel examination" or "examination" means the demonstration of ability  
1.21 to exercise ordinary and reasonable control in the operation of a motor vehicle as required  
1.22 under Minnesota Statutes, section 171.13, subdivision 1, paragraph (a), clause (4).

2.1 (d) "Commissioner" means the commissioner of public safety.

2.2 (e) "Third-party tester" means an individual who is authorized by the commissioner to  
2.3 conduct behind-the-wheel examinations.

2.4 (f) "Third-party testing program" means a business enterprise of an individual, association,  
2.5 partnership, or corporation, that is designated by the commissioner under the pilot program  
2.6 in this section for behind-the-wheel examinations by third-party testers.

2.7 Subd. 2. **Pilot program established.** (a) The commissioner must establish a pilot program  
2.8 to authorize third-party testing programs and third-party testers. The commissioner may  
2.9 establish policies to implement and administer the pilot program.

2.10 (b) The pilot program must commence December 1, 2020, and conclude November 30,  
2.11 2023.

2.12 Subd. 3. **Third-party testing authority.** (a) Notwithstanding Minnesota Statutes, section  
2.13 171.13, subdivision 1, paragraph (a), a third-party tester located in a metropolitan county,  
2.14 as defined in Minnesota Statutes, section 473.121, subdivision 4, may conduct  
2.15 behind-the-wheel examinations pursuant to this section. A behind-the-wheel examination  
2.16 conducted by a third-party tester has the same force and effect as an examination conducted  
2.17 by the commissioner.

2.18 (b) A third-party tester is subject to the same rules and regulations as examiners employed  
2.19 by the state, including but not limited to background checks. The third-party tester must  
2.20 pay the cost for a required background check.

2.21 (c) Nothing in this section prevents separate designation under Minnesota Rules, parts  
2.22 7410.6000 to 7410.6540, or successor rules.

2.23 (d) This section does not apply to the commissioner or employees of the state that conduct  
2.24 behind-the-wheel examinations.

2.25 Subd. 4. **Third-party testing program.** (a) Designation of a third-party testing program  
2.26 is subject to application and authorization in the manner specified by the commissioner. A  
2.27 driver education program offered at a public school, private school, or commercial driver  
2.28 training school may be designated by the commissioner as a third-party testing program.

2.29 (b) A third-party testing program must:

2.30 (1) impose a fee of no more than \$..... for each behind-the-wheel examination;

2.31 (2) only conduct behind-the-wheel examinations of an applicant for a class D driver's  
2.32 license, including but not limited to a provisional license and a restricted farm work license;

3.1 (3) provide a certification of examination passage to an examination applicant who  
3.2 passes the behind-the-wheel examination, in a form prescribed by the commissioner;

3.3 (4) maintain records as provided in subdivision 9; and

3.4 (5) meet any requirements established by the commissioner.

3.5 Subd. 5. **Third-party tester; qualifications.** (a) A behind-the-wheel examination under  
3.6 this section must be administered by an individual who:

3.7 (1) possesses a valid driver's license;

3.8 (2) has maintained driving privileges for at least one year prior to application as a  
3.9 third-party tester;

3.10 (3) is an instructor, as defined in Minnesota Statutes, section 171.33, subdivision 2;

3.11 (4) has at least five years of experience as an instructor;

3.12 (5) is an employee of a third-party testing program;

3.13 (6) is authorized by the commissioner as a third-party tester following application in the  
3.14 manner prescribed by the commissioner; and

3.15 (7) has satisfactorily completed training from the department on administering the  
3.16 behind-the-wheel examination, including any training required to maintain authorization  
3.17 as a third-party tester.

3.18 (b) The commissioner must authorize an individual as a third-party tester if the person  
3.19 meets the requirements under paragraph (a).

3.20 Subd. 6. **Third-party tester; training and information.** (a) The commissioner must  
3.21 provide a training process that allows an individual to become an authorized third-party  
3.22 tester.

3.23 (b) The commissioner must provide to each third-party tester all relevant information  
3.24 on how the commissioner conducts behind-the-wheel examinations and at a minimum must  
3.25 provide:

3.26 (1) the criteria on which applicants must be evaluated during the behind-the-wheel  
3.27 examination;

3.28 (2) the method of scoring and evaluating the applicant;

3.29 (3) the method and criteria for determining examination routes; and

3.30 (4) the necessary forms or paperwork to conduct the examination.

4.1 Subd. 7. Examination; general requirements. (a) A third-party tester must conduct  
4.2 the examination in the same manner and subject to the same requirements as an examination  
4.3 conducted by the commissioner, and as prescribed under Minnesota Rules, chapter 7410,  
4.4 or successor rules, including but not limited to vehicle and safety requirements, test scoring,  
4.5 and events resulting in test failure.

4.6 (b) A third-party tester who conducts a behind-the-wheel examination for a restricted  
4.7 farm work license must satisfy the same conditions that are required of the commissioner  
4.8 by Minnesota Statutes, section 171.041.

4.9 Subd. 8. Examination; limitations. (a) A third-party tester must not conduct a  
4.10 behind-the-wheel examination of a person whom the tester knows personally, or who has  
4.11 not completed all driver licensing prerequisites to the examination. Providing driving  
4.12 instruction to an individual does not, by itself, constitute a personal relationship between  
4.13 that person and the third-party tester.

4.14 (b) A third-party tester must not pass a person if the tester has reasonable cause to believe  
4.15 that the person may be subject to: (1) driver's license restrictions imposed by the  
4.16 commissioner, other than for corrective lenses; or (2) additional competency, physical, or  
4.17 mental examinations administered by the commissioner, other than a test of applicant  
4.18 eyesight.

4.19 (c) If a third-party tester also provides behind-the-wheel instruction for student drivers,  
4.20 the third-party tester must not use the same routes for training and conducting the  
4.21 behind-the-wheel examination.

4.22 (d) A person who fails two behind-the-wheel examinations administered by any  
4.23 third-party tester must only take subsequent examinations administered by a state examiner.

4.24 Subd. 9. Records; data. (a) A third-party testing program must maintain records of  
4.25 third-party testers and a record for each applicant that takes the behind-the-wheel  
4.26 examination. At a minimum, the applicant record must include:

4.27 (1) the applicant's name and date of birth;

4.28 (2) the date of the examination;

4.29 (3) the form used to score the applicant's performance on the examination;

4.30 (4) whether the applicant passed or failed the examination;

4.31 (5) all documentation related to the examination; and

5.1 (6) for an applicant for a restricted farm work license, documentation that the requirements  
5.2 under Minnesota Statutes, section 171.041, are met.

5.3 (b) Immediately after completing an examination, a third-party testing program must  
5.4 submit to the commissioner the record for the applicant that took the examination. The  
5.5 third-party testing program must also submit a monthly report to the commissioner including  
5.6 applicant records for each applicant that was examined in the previous month.

5.7 (c) All third-party testers are subject to Minnesota Statutes, section 13.05, subdivision  
5.8 11.

5.9 Subd. 10. **Oversight.** (a) The commissioner must monitor and audit the examinations  
5.10 conducted by third-party testers. The commissioner must not perform an audit of a third-party  
5.11 testing program or third-party tester more than once annually, unless the commissioner is  
5.12 performing an investigation.

5.13 (b) The commissioner must share the results of any audit with the third-party testing  
5.14 program.

5.15 (c) The commissioner must establish a process to investigate violations of the law and  
5.16 complaints made against third-party testers and third-party testing programs. The  
5.17 commissioner may investigate complaints, issue corrective actions, and discontinue  
5.18 authorization of a third-party tester or third-party testing program if the tester or program  
5.19 fails to comply with state laws and regulations. The third-party tester or third-party testing  
5.20 program must be given notice of an investigation and be allowed to participate in the  
5.21 investigation.

5.22 Subd. 11. **Indemnification.** An applicant must agree to indemnify and hold harmless  
5.23 the third-party tester, the third-party testing program, and the state and all state officers,  
5.24 employees, and agents of the state, from and against all claims, losses, damages, costs, and  
5.25 other proceedings made, sustained, brought, or prosecuted in any manner based on or  
5.26 occasioned by or attributive to any injury, infringement, or damage rising from any act or  
5.27 omission of the third-party tester or the third-party testing program in the performance of  
5.28 examination duties.

5.29 Subd. 12. **Report.** By February 15, 2024, the commissioner must submit a report on the  
5.30 pilot program to the chairs, ranking minority members, and staff of the legislative committees  
5.31 with jurisdiction over transportation policy and finance. At a minimum, the report must  
5.32 provide an overview of the third-party testing, evaluate effectiveness and results, and make  
5.33 recommendations regarding continuation of third-party testing.

- 6.1 **EFFECTIVE DATE.** This section is effective the day following final enactment."
- 6.2 Renumber the sections in sequence and correct the internal references
- 6.3 Amend the title accordingly