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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1713**

March 16, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

March 18, 2009

By motion, recalled and re-referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to licensing examinations; prohibiting certain practices in preparation
1.3 for a radiologic technology examination; establishing penalties; amending
1.4 Minnesota Statutes 2008, section 144.121, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 144.121, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 9. **Subversion of examination.** (a) It is a misdemeanor for any person to
1.9 engage in any conduct that subverts or attempts to subvert any licensing or certifying
1.10 examination in the field of radiologic technology or the administration of an examination
1.11 including, but not limited to:

1.12 (1) conduct that violates the security of the examination materials;

1.13 (2) removing from the examination room any examination materials without specific
1.14 authorization;

1.15 (3) the unauthorized reproduction, disclosure, publication, transmission, or
1.16 reconstruction by any means including, but not limited to, memorization of any portion of
1.17 the actual licensing or certification examination;

1.18 (4) aiding by any means the unauthorized reproduction, disclosure, publication,
1.19 transmission, or reconstruction by any means of any portion of the actual licensing or
1.20 certifying examination;

1.21 (5) paying or using professional or paid examination takers for the purpose of
1.22 reconstructing any portion of the licensing or certification examination;

2.1 (6) obtaining examination questions, examination answers, or other examination
2.2 material, whether requested or not, except by specific authorization either before, during,
2.3 or after an examination;

2.4 (7) using or purporting to use any examination questions, answers, or materials
2.5 which were improperly removed or taken from any examination for the purpose of
2.6 instructing or preparing any applicant for examination;

2.7 (8) selling or offering to sell, distributing or offering to distribute, buying or offering
2.8 to buy, receiving, or having unauthorized possession of any portion of a future, current, or
2.9 previously administered licensing or certifying examination;

2.10 (9) communicating with any other examinee during the administration of a licensing
2.11 or certifying examination for the purpose of giving or receiving unauthorized aid;

2.12 (10) copying answers from another examinee or permitting one's answers to be
2.13 copied by another examinee;

2.14 (11) having in one's possession during the administration of the licensing or
2.15 certifying examination any books, equipment, notes, written or printed materials, or data
2.16 of any kind other than the examination materials distributed, or otherwise specifically
2.17 authorized to be in one's possession during the examination; and

2.18 (12) impersonating an examinee or having an impersonator take a licensing or
2.19 certifying examination on one's behalf.

2.20 (b) Nothing in this subdivision shall preclude prosecution under the authority
2.21 provided for in any other provision of law.

2.22 (c) A person or entity who owns examination materials shall have a private right
2.23 of action against a person who violates this section. In addition to any other penalties, a
2.24 person found to have violated this section shall be liable for the actual damages sustained
2.25 by the owner of the examination, plus reasonable attorney fees and the costs of the
2.26 litigation.

2.27 (d) If any provision of this section or the application thereof to any person
2.28 or circumstances is held invalid, that invalidity shall not affect other provisions or
2.29 applications of the section that can be given effect without the invalid provision or
2.30 application, and to this end the provisions of this section are severable.