MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Office of the Commissioner

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Office of Traffic Safety

State Fire Marshal and Pipeline Safety

December 1, 2005

The Honorable Tim Pawlenty
Governor, State of Minnesota

The Honorable James P. Metzen, Chair
The Honorable Steve Sviggum, Chair
Legislative Coordinating Commission

Ms. Michele Timmons
Revisor of Statutes

The Honorable Steve Smith, Chair
The Honorable Mary Murphy
House Public Safety Policy & Finance Committee

The Honorable Leo Foley, Chair
Senate Crime Prevention & Public Safety Committee

The Honorable Ron Erhardt, Chair
The Honorable Joe Opatz
House Transportation Policy Committee

The Honorable Sheila Kiscaden, Chair
The Honorable Thomas M. Neuville
Senate State Government Budget Division

The Honorable Mary Liz Holberg, Chair
The Honorable Bernie Lieder
House Transportation Finance Committee

The Honorable Steve Murphy, Chair
Senate Transportation Policy and Budget Division

Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minnesota Statutes, Section 14.05, Subdivision 5.

Minnesota Statutes, section 14.05, subdivision 5, states:

"By December 1 of each year, an agency must submit to the governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule.

A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion."

At this time, we can identify the following rules of the Department of Public Safety that are obsolete, unnecessary, or duplicative and that should be repealed.

- Minnesota Rules, Chapter 7405. Commercial Fleet Vehicle Registration
  This rule duplicates statute in several areas and DVS can carry out its function to register rental trucks and trailers through the language in statute thus making the rule unnecessary. We will proceed to repeal the rule in 2006.

- Minnesota Rules, Chapter 7413: Motorcycle Insurance
  This rule had the two main sections (7413.0400 and 7413.0500) repealed in 2003 (Chapter 19, article 2, section 79). The remaining sections are duplicated in statute (169.796 and 169.797) or are unnecessary. We will proceed to repeal the remaining section of this rule in 2006. This action in no way affects the requirement to maintain motorcycle insurance or DVS' ability to enforce that requirement.

- Minnesota Rules, Chapter 7503: Driver's License Revocation, Incidents
  MR 7503.0200, subpart 2 can be repealed as it became obsolete when Minnesota law lowered the BAC to .08. We will proceed to repeal this rule in 2006.

- Minnesota Rules, Chapter 7411: Driver Education
  This was listed in last year's report. Sections 7411.5100 through 7411.5700 can be repealed as they are obsolete. We will begin that process in 2006.

In last year's report, we identified the Minnesota Rules listed below as being obsolete, unnecessary, or duplicative. The current status of these rules is:

- Minnesota Rules, Chapter 7507.0400 were repealed.

- Minnesota Rules, Chapter 2915. These rules are obsolete and the department is developing a plan to have them deleted via rulemaking or legislation by 2007. They are considered obsolete due to the reorganization of the services provided for battered women within state government several years ago. The repeal of these rules will in no way reduce the services provided to battered women.

- Last year's report also identified Minnesota Rules, Chapter 7411.5100 to 7411.5700, as being obsolete, unnecessary, or duplicative. The deletion of these rules will be considered in the 2007 legislative session along with a comprehensive review of the related rules that govern Driver and Vehicle Services.

If you have any questions regarding this report, please contact E. Joseph Newton at (651) 284-3321.

Sincerely,

E. Joseph Newton

E. Joseph Newton
Program Administrator