MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Office of the Commissioner

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Alcohol and Gambling Enforcement

Bureau of Criminal Apprehension

Driver and Vehicle Services

Emergency Communication Networks

Homeland Security and Emergency Management

Minnesota State Patrol

Office of Communications

Office of Justice Programs

Office of Traffic Safety

State Fire Marshal

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Governor, State of Minnesota

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Speaker Margaret Kelliher
Legislative Coordinating Commission

Ms. Michele Timmons
Revisor of Statutes

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The Honorable Bill Ingebrigtsen
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The Honorable Michael Paymar, Chair
The Honorable Steve Smith
House Public Safety Finance

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Senate Transportation Budget and Policy

The Honorable Bernie Lieder, Chair
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The Honorable Claire Robling
Senate State Government Budget

The Honorable Joe Mullery, Chair
The Honorable Paul Kohls
House Public Safety and Civil Justice

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

Dear Colleagues:

Minnesota Statutes, section 14.05, subdivision 5, states:

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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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 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.

- MN Rules, Chapter 7511.8500 - 8570 were promulgated in accordance with the provisions of Minn. Stat. sec. 299F.840-299F.848. The statute was repealed and the requirements were incorporated in the State Fire Code and the rule making authority no longer exists; therefore, the rules are obsolete and duplicative and should be repealed.

- Minnesota Rules, Chapter 7403: Vehicle License Plates
  The definition of "validation sticker" in part 7403.0100, subpart 8, was rendered obsolete by a previous revision of the chapter. The term no longer appears in chapter 7403. Part 7403.1400, which established a fee for decals signifying compliance with the International Fuel Tax Agreement, was rendered obsolete by 2007 and 2008 legislation that set the fee in Minnesota Statutes, section 168.12, subdivision 5. DVS will repeal these rules in 2009.

- Minnesota Rules, Chapter 7411: Driver Education
  Part 7411.3300 requires public schools to instruct students in driver education classes about school bus safety. After the rule was promulgated, the legislature amended Minnesota Statutes, section 169.446, to extend the curriculum requirement to private and parochial schools, as well as to commercial driver training schools, and DVS amended the general driver education curriculum rule, part 7411.0515, accordingly. Part 7411.3300 is now obsolete, and DVS will repeal the rule in 2009.

In the prior report, we identified the Minnesota Rules listed below as being obsolete, unnecessary or duplicative. The current status of the rule is:

- Minnesota Rules, Chapter 7405: Commercial Fleet Vehicle Registration
  As noted on our last report, this chapter duplicates Minnesota Statutes, sections 168.841 to 168.846, in several respects. However, DVS has decided not to repeal the chapter at this time and is instead considering whether to amend the chapter to eliminate the duplicative language and to add new provisions.

- Minnesota Rules, Chapter 7413: Motor Vehicle and Motorcycle Insurance

The remaining parts of this chapter are unnecessary in light of amendments to Minnesota Statutes, sections 169.792 to 169.797. DVS will repeal the remaining rules in 2009.

- Minnesota Rules, Chapter 7503: Driver's License Suspension – Chemical Use Assessment
  The statute authorizing part 7503.0200, subpart 2, was declared unconstitutional, thus rendering the rule obsolete. DVS plans to revise chapter 7503 and repeal the rule in 2009.

- Minnesota Rules, Chapter 7411: Driver Improvement Clinics
  DVS has decided not to repeal parts 7411.5100 to 7411.5700, as they are still needed.

- Minnesota Rules, Chapter 7507.0400: Material Safety Data Sheet Fee
  "A person must pay a $10 fee per material safety data sheet when the person submits material safety data sheets in lieu of a hazardous chemical report form as provided for under United States Code, title 42, section 11021." The Homeland Security Emergency Management Division will repeal this rule in 2009.

- Minnesota Rules, Chapter 7513.0100: Form
  The hazardous substance notification report form, as required by Minnesota Statute, section 299F.094, is the 'Tier One – Emergency and Hazardous Chemical Inventory' form used by the state under the Superfund Amendments and Reauthorization Act of 1986, Public Law Number 99-499, title III, section 312. This rule will be repealed in 2009.

If you have any questions regarding this report, please contact E. Joseph Newton, General Counsel at (651) 201-7170.

Sincerely,

Michael Campion, Commissioner