

6213.0400 TERMS OF AGENT CONTRACT.

Subpart 1. **Required terms.** An agent contract between the commissioner and an agent must include the terms specified in this part and part 6213.0420, subparts 3 and 4.

Subp. 2. **Sale of electronic licenses.** An agent must agree to make available for sale to the public all electronic licenses covered in the agent's contract with the commissioner.

Subp. 3. **Business location.** An agent must agree to sell electronic licenses only at the business location specified in the contract and at a place on the premises accessible to the public.

Subp. 4. **Hours of operation.** An agent must agree to issue electronic licenses to the public during normal business hours or other hours of operation specified under the contract, for the duration of the contract.

Subp. 5. **Restrictions on sale of electronic licenses.** An agent may not offer electronic licenses for free or at a nominal, reduced, or increased fee except as provided by Minnesota Statutes. An agent may not waive all or part of the issuing fee or use electronic licenses in connection with a drawing, raffle, giveaway, or other sales promotion.

Subp. 6. **Displays.** An agent must agree to maintain, as instructed by the commissioner, any displays, notices, or other informational materials relating to electronic licenses that are provided by the commissioner.

Subp. 7. **Communication and electrical needs.** An agent must agree to provide an established communications connection and access to electrical outlets to use the point-of-sale equipment.

Subp. 8. **Lost or missing materials and equipment; terms of deposit.** Except for acts beyond their control, an agent must agree to be responsible for lost, stolen, missing, or destroyed electronic licenses and materials and point-of-sale equipment relating to electronic licenses. An agent, except for those agents who are appointed as a deputy registrar of motor vehicles by the commissioner of public safety under Minnesota Statutes, section 168.33, must provide a deposit not to exceed \$500 per set of equipment. The deposit shall be held in a clearing account. The deposit shall be refunded at the time an agent terminates the agent's contract if all point-of-sale equipment and related materials are returned to the commissioner in good working condition and if the agent has no outstanding debt owed to the Department of Natural Resources. If the equipment is not returned within 30 days of contract termination, the deposit shall be forfeited and used towards the cost of replacing the equipment. An agent's deposit shall be applied to any outstanding debt owed to the Department of Natural Resources at the time of contract termination.

Subp. 9. **Records.** An agent must agree to maintain current and accurate records of all electronic license operations in conformance with law and as directed by the commissioner.

Subp. 10. **Access to electronic license operations.** An agent must agree to allow the commissioner access to all materials and equipment related to electronic license operations.

Subp. 11. **Liability for proceeds.** An agent must agree to be liable for all proceeds from the sale of electronic licenses regardless of the manner of payment and for all losses incurred due to credit card fees, nonsufficient funds checks, and counterfeit currency.

Subp. 12. **Liability.** An agent must agree that any contractual or tortious liability caused by the agent in connection with the sale of electronic licenses is the agent's sole responsibility. The agent must agree to indemnify the commissioner for such liability to the extent permitted by law. This provision shall not be construed to bar any legal remedies the agent may have for the state's failure to fulfill its obligations pursuant to the contract.

Subp. 13. **Agent status.** An agent must agree that, in the capacity of an agent to sell electronic licenses, the agent is acting on behalf of the commissioner and the state of Minnesota.

Subp. 14. **Rules and law.** An agent must agree to be bound by and comply with applicable provisions of law and rules and instructions and orders issued by the commissioner.

Subp. 15. **Security.** An agent must provide a location for the electronic license system equipment that protects it from damage and unauthorized use.

Subp. 16. **Data practice.** An agent must agree that electronic license system data may be used only in the normal course of business for processing electronic license system transactions.

Statutory Authority: *MS s 84.027; 84.79; 84.798; 84.8205; 84.86; 84.924; 86B.211; 97A.405; 97A.485*

History: *24 SR 238; 34 SR 1205*

NOTE: This part has been amended, effective upon full implementation of the replacement electronic licensing system. See State Register, volume 49, pages 534 to 548 and 1416.

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