

CHAPTER 6213
DEPARTMENT OF NATURAL RESOURCES
ELECTRONIC LICENSING

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6213.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 6213.0100 to 6213.0800, the terms used have the meanings given them in this part and Minnesota Statutes, chapters 84, 86B, 97A, 97B, and 97C.

Subp. 2. **Business location.** "Business location" means the physical building where the sale of electronic licenses takes place.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 4. **Electronic license.** "Electronic license" means an application, license, pass, permit, sticker, registration, or any other future electronic transaction relating to Department of Natural Resources licensing, issued under the electronic license system.

Subp. 5. **Electronic license system.** "Electronic license system" means the Minnesota system of using point-of-sale equipment, online sales, or a telephone service to collect data and to issue electronic licenses.

Subp. 6. **Off-road recreational vehicle.** "Off-road recreational vehicle" means an off-highway motorcycle, off-road vehicle, snowmobile, or all-terrain vehicle.

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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6213.0200 APPLICABILITY OF OTHER RULES.

The provisions of chapters 6110 and 6212 regarding issuance of watercraft licenses, game and fish licenses, and cross-country ski passes do not apply to this chapter.

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

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6213.0300 AGENT APPLICATION AND ELIGIBILITY.

Subpart 1. **Application.** A person interested in obtaining a contract to sell electronic licenses under the electronic license system must file an application to become an agent. The commissioner may prescribe the form of the application and specify the information relevant to agent qualification required on the application. The commissioner may request further information to determine whether the applicant will serve the public convenience and promote the sale of electronic licenses.

Subp. 2. **Additional business location.** An agent interested in selling electronic licenses at an additional business location not specified in the original contract must submit a separate application to authorize the sale of electronic licenses at each additional business location.

Subp. 3. **Watercraft licenses and off-road vehicle registrations.** To be eligible to sell watercraft licenses or register off-road recreational vehicles, a person must be appointed as a deputy registrar of motor vehicles by the commissioner of public safety under Minnesota Statutes, section 168.33.

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

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6213.0310 SELECTING AGENTS.

Subpart 1. **Factors to be considered.** Before appointing an agent or approving an additional business location, the commissioner shall consider the following factors:

- A. the accessibility of the applicant's business location to the public;
- B. the number and location of existing agents;
- C. the volume of expected electronic license sales;

- D. the nature and type of business engaged in by the applicant; and
- E. hours of operation during the entire year.

The commissioner shall contract with agents who fulfill the requirements of parts 6213.0100 to 6213.0800 and who in the commissioner's opinion will best serve the public convenience and promote the sale of electronic licenses.

Subp. 2. **Number of agents.** The commissioner may appoint agents without limitation, except that the commissioner may determine that a sufficient number of agents or locations exists within a given area to adequately serve the public.

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*

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6213.0320 RECONSIDERING DENIED APPLICATION.

Subpart 1. **Notice.** If an application to be an agent or add an additional business location is denied, the commissioner shall notify the applicant of the denial in writing and give a brief statement of the reason for denial. The commissioner shall notify the applicant that the applicant may, within 30 days from the day the notice was received, request that the commissioner reconsider the application.

Subp. 2. **Request for reconsideration.** A request for reconsideration must include a written statement setting forth the applicant's legal, factual, or equitable arguments, along with any supporting documents. The commissioner may request that the applicant submit additional supporting facts or documents before making a final decision. The commissioner, after considering any additional facts or documents submitted by the applicant, shall make a decision whether to grant or deny a contract or grant or deny an application to amend the contract to authorize an additional business location.

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*

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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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6213.0410 DURATION OF AGENT CONTRACT; TRANSFERABILITY.

Subpart 1. **Duration.** An agent contract remains in effect until the contract is terminated at the request of the agent in writing or is canceled or suspended by the commissioner according to parts 6213.0100 to 6213.0800 or other law.

Subp. 2. **Change in operations.** An agent must notify the commissioner in writing at least 30 days before any change in business location, nature of business, hours of operation, or ownership. The commissioner shall reconsider a contract based on the application criteria under part 6213.0310 when there is a change in business location, nature of business, hours of operation, or ownership. The commissioner shall cancel the contract if the agent no longer meets the criteria for acceptance of an original application.

Subp. 3. **Transferability; change in ownership.** An agent contract issued under parts 6213.0100 to 6213.0800 may not be transferred. When an agent's business changes ownership, the new owner must submit an application to be appointed an agent, which is subject to approval by the commissioner.

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*

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6213.0420 FORFEITING OR SUSPENDING CONTRACT.

Subpart 1. **Forfeiture of agent contract.** In addition to forfeiture under Minnesota Statutes, section 97A.311, subdivision 4, an agent contract is forfeited if the commissioner finds that an agent:

A. provided false or misleading information on the agent's application to the commissioner;
or

B. while performing their duty as an agent of the Department of Natural Resources, acted in a manner prejudicial to the public confidence in the integrity of the Department of Natural Resources.

Subp. 2. **Suspending or cancelling agent contract.** The commissioner may cancel or suspend an agent contract if the commissioner finds that the agent:

- A. changed business location without notice to the commissioner under part 6213.0410;
- B. failed to account for materials and equipment for operation of the electronic license system;
- C. failed to comply with a term or condition of the agent contract;
- D. committed an act that impairs the agent's reputation for honesty and integrity related to fulfilling the duties as an agent of the department of natural resources;
- E. failed to properly display license point-of-sale equipment and materials;
- F. failed to have the financial stability or responsibility to act as an agent as evidenced by inadequate accounting records or a failure to maintain sufficient funds from the sale of electronic licenses in the appropriate bank account;
- G. had fewer than 300 electronic license system transactions per year; or
- H. misused electronic license system data.

Subp. 3. **Notice.** If an agent contract is forfeited, suspended, or canceled under subpart 1 or 2, the commissioner shall notify the agent and give a brief statement of the reason for forfeiture, cancellation, or suspension. The commissioner shall notify the agent that the agent may, within 30 days from the date of the notice, request that the commissioner reconsider the forfeiture, cancellation, or suspension. Notice of forfeitures and cancellations shall be in writing.

Subp. 4. **Request for reconsideration.** A request for reconsideration must include a written statement setting forth the agent's legal, factual, or equitable arguments, along with any supporting documents. The commissioner may request that the agent submit additional facts or documents before making a final decision. The commissioner, after considering any additional facts or documents submitted by the agent, shall make a decision on whether or not to revoke the forfeiture or suspension of the agent's contract.

Statutory Authority: *MSs 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*

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6213.0500 SELLING ELECTRONIC LICENSES.

Subpart 1. **Place of sale.** Electronic licenses must be completed at the agent's business location. An agent is responsible for the completion of each electronic license transaction for each electronic license sold at the agent's place of business.

Subp. 2. **Signatures.** An applicant for an electronic license must sign the applicant's full name in the spaces provided on the electronic license form.

Subp. 3. **Resident licenses.** An agent may not issue a resident license to a person unless the agent ascertains that the applicant is a resident, as defined by Minnesota Statutes.

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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6213.0510 DUPLICATE LICENSES.

A licensee whose electronic license is lost or destroyed may obtain a duplicate license by applying to an agent.

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*

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6213.0600 DEPOSIT AND TRANSFER OF FUNDS.

Subpart 1. **Bank account.**

A. An agent must maintain a bank account in an FDIC insured banking association, savings association, trust company, or credit union organized under the authority of this state or the United States. The bank account must be able to accept electronic funds transfers. The agent must provide the commissioner with the following account information and must inform the commissioner if the account is changed:

- (1) the agent's name;
- (2) the agent's electronic license account number;
- (3) the name of the agent's bank;
- (4) the bank address, including city, state, and zip code;
- (5) the transit routing number; and

(6) the bank account number.

B. The agent must deposit all money received from the sale of electronic licenses into the account described in item A, less the amount retained according to law as the issuing fee. The agent's bank account must be set up to permit the commissioner, through the commissioner of management and budget, to electronically transfer the money to the state treasury.

Subp. 2. **Transferring funds.** Before transferring funds, the commissioner shall notify the agent of the designated amounts to be transferred and the designated time of transfer. At the designated time of transfer, the agent must have sufficient funds on deposit in the bank account to permit the transfer to the state treasury.

Subp. 3. **Instructions for handling funds.** The commissioner shall provide the agent with instructions for the transfer of funds from the agent's bank account to the state treasury and instructions for reconciling any differences between the agent and the commissioner on the amount of money to be electronically transferred.

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; L 2003 c 112 art 2 s 50; L 2009 c 101 art 2 s 109*

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6213.0700 INSPECTING PREMISES.

An agent must allow the commissioner to inspect the agent's business location at any time upon notice to determine whether the agent is complying with the provisions of parts 6213.0100 to 6213.0800 and the agent contract. To determine whether the agent is complying with the provisions of parts 6213.0100 to 6213.0800 and the agent contract, the commissioner may inspect with or without notice to the agent during normal business hours.

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*

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6213.0800 REPORTING PROCEDURES.

An agent must file with the commissioner, on a form and in a manner as the commissioner may require, reports of the agent's receipts and transactions in the sale of electronic licenses.

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*

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