

7404.0300 LOCATION OF AGENT OFFICE; PROPOSED BY THIRD PARTY.

Subpart 1. **General.** This part applies to the establishment of an agent office not in existence when the location of the office is proposed by a party other than the commissioner.

Subp. 2. [Repealed, 32 SR 1283]

Subp. 3. **Metropolitan counties.** The conditions listed in this subpart must be met before the commissioner considers a proposed office location for an agent in a metropolitan county.

A. The proposed office location must not be within a ten-mile radius of an existing office or a state-operated application site.

B. The estimated number of applications a proposed office location processes annually must be at least 12,000 within two years after the establishment of the office. The commissioner shall estimate the number of applications as 30 percent of the applications processed within the preceding calendar year by existing offices and state-operated application sites located within a radius of the proposed office location of over ten miles and less than 19 miles.

C. The commissioner shall not consider the proposed office location if the use of the percentage of applications processed by an existing office or state-operated application site to establish a proposed office would reduce the number of applications to less than:

(1) 24,000 for an existing office or state-operated application site located in a metropolitan county;

(2) 13,000 for an existing office located in an area under subpart 4; or

(3) 2,500 for an existing office located in an area under subpart 5.

D. If a percentage of applications processed by an existing office or state-operated application site was used to establish a new office, that percentage may not be used again in consideration of another proposed office within a two-year period. The two-year period starts from the date the agent was appointed.

E. The commissioner shall not consider a proposed office location if the proposed office location is within a 20-mile radius of an existing office or state-operated application site established within the last two years. The two-year period starts from the date the agent was appointed or the state-operated site was established.

Subp. 4. **Municipalities with over 50,000 population.** The conditions listed in this subpart must be met before a proposed office location is considered by the commissioner

in a municipality with a population exceeding 50,000, not including municipalities in a metropolitan county.

A. The proposed office location must not be located within a ten-mile radius of an existing office or state-operated application site.

B. A maximum of two licensing agent offices may exist in any municipality with a population exceeding 50,000.

C. The estimated number of applications a proposed office location processes annually must be at least 6,500 within two years after the establishment of the office. The commissioner shall estimate the number of applications as 30 percent of the applications processed within the preceding calendar year by existing offices and state-operated application sites located within a radius of the proposed office location of over ten miles but less than 19 miles.

D. The commissioner shall not consider a proposed office location if the use of a percentage of applications processed by an existing office or state-operated application site to establish a proposed office would reduce the number of applications to less than:

(1) 24,000 for an existing office or state-operated application site located in an area under subpart 3;

(2) 13,000 for an existing office or state-operated application site located in an area under this subpart; or

(3) 2,500 for an existing office or state-operated application site located in an area under subpart 5.

E. If a percentage of applications processed by an existing office or state-operated application site was used to establish a new office, that percentage may not be used again in consideration of another proposed office within a two-year period. The two-year period starts from the date the agent was appointed or the state-operated site was established.

F. The commissioner shall not consider a proposed office location if the proposed office location is within a ten-mile radius of an existing office or state-operated application site established within the last two years. The two-year period starts from the date the agent was appointed or the state-operated site was established.

Subp. 5. **Other areas.** The conditions listed in this subpart must be met before a proposed office location is considered by the commissioner in all other municipalities not included in subpart 3 or 4.

A. The proposed office location must not be located within a 25-mile radius of an existing office or state-operated application site.

B. The proposed office location must not be located in a municipality of less than 25,000 population if there is an existing office or state-operated application site in that municipality.

C. The estimated number of applications that a proposed office location will process annually must be at least 2,500 within two years after the establishment of the office. The number of applications must be estimated as follows:

(1) 20 percent of the applications processed within the preceding year by existing offices and state-operated application sites located within a 30-mile radius of the proposed office location; or

(2) if there is no existing office or state-operated application site located within a 30-mile radius of the proposed office location, 25 percent of the population of the municipalities that are closer to the proposed office location than to other existing offices and state-operated application sites.

D. The commissioner shall not consider a proposed office location if the use of the percentage of applications processed by an existing office or state-operated application site, to establish a proposed office, would reduce the number of transactions to less than:

(1) 24,000 for an existing office or state-operated application site located in an area under subpart 3;

(2) 13,000 for an existing office or state-operated application site located in an area under subpart 4; or

(3) 2,500 for an existing office or state-operated application site located in an area under this subpart.

E. If a percentage of applications processed by an existing office or state-operated application site was used to establish a new office, that percentage may not be used again in consideration of another proposed office within a two-year period. The two-year period starts from the date the agent was appointed or the state-operated site was established.

F. The commissioner shall not consider a proposed office location if the proposed office location is within a 30-mile radius of an existing office or state-operated application site established within the last two years. The two-year period starts from the date the agent was appointed.

Subp. 6. **Restriction on processing proposed office location.** When a request for a proposed office location is submitted to the commissioner, no other requests for a proposed office location shall be considered for any location or a location within a 30-mile radius of the proposed office location until:

A. the commissioner either approves the proposed office location or all appeals associated with a disapproval have been resolved; and

B. the appointment of an agent for the approved office location under this chapter is completed.

Statutory Authority: *MS s 14.06; 171.06; 171.061; 373.35*

History: *23 SR 1454; 32 SR 1283*

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