

7404.0310 EXCEPTIONS.

Subpart 1. **One agent per county bureau.** Pursuant to Minnesota Statutes, sections 373.33 and 373.35, if the county board designates the county license bureau director as a licensing agent, the license bureau director is responsible for all bureau sites where applications are accepted in the county. Each bureau site where applications are accepted must meet the criteria for establishment of an office as specified in part 7404.0300.

Subp. 2. **Low-volume existing office; county board decision.** Notwithstanding part 7404.0300, an agent may be appointed at an existing office location upon the death, resignation, discontinuance, or retirement of an existing agent whose office does not comply with the application numbers for the establishment of an office specified in part 7404.0300, plus or minus two percent of the average application numbers in the preceding three years, only if:

A. the county board notifies the commissioner within one week after the next regularly scheduled county board meeting or within 60 days after the death, resignation, discontinuance, or retirement of the existing agent, that the county board wants to designate an agent for appointment by the commissioner and maintain that existing office location;

B. the county board designates a new agent for appointment by the commissioner and verifies to the commissioner that the individual meets the requirements for an agent specified in part 7404.0360 within 60 days from the time the vacancy occurred;

C. there is not another existing office or state-operated application site located within the distances specified in part 7404.0300; and

D. the county board or the new agent agrees to procure and maintain:

(1) the photo identification equipment, unless the office was in existence on January 1, 2000;

(2) the vision-testing equipment unless the office was in existence before January 5, 1999; and

(3) any other equipment or inventory necessary to process applications.

Subp. 3. **Low-volume location; commissioner's appointment.** If the county board declines to designate an agent for appointment by the commissioner at the existing low-volume location described in subpart 2, the appointment of the agent and all state-provided inventory and equipment reverts to the commissioner.

A. The commissioner shall decide whether to appoint another agent at the existing low-volume office within six months after notice by the county board that it will not designate another agent for appointment by the commissioner.

B. The commissioner shall appoint an agent at the existing office with a low application volume and procure and maintain the photo identification, vision-testing equipment, and any other equipment or inventory necessary to process applications for the site only if the office is not in a metropolitan county and there is not another application site, including state-operated application sites, within 35 miles of the existing low-volume office.

Subp. 4. **Minimum distance exception.** Notwithstanding part 7404.0300, a new agent may be appointed at an office location in existence as of January 1, 1999, which does not meet the minimum distance in part 7404.0300, if the number of applications accepted by the office meet or exceed the minimums specified in part 7404.0300 during each of the three years preceding the date of application for a new agent appointment.

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

History: *23 SR 1454; 32 SR 1283*

Published Electronically: *February 18, 2008*