

**7404.0360 COMMISSIONER'S APPOINTMENT PROCEDURE.**

Subpart 1. **In general.** An agent appointment cannot be transferred to another individual without following the procedure in part 7404.0350 or this part.

A. The commissioner shall appoint an agent designated by a county board, as specified in part 7404.0350, if the individual meets the criteria of subparts 3 to 6.

B. If the county board does not designate an individual for appointment, or fails to provide timely notice to the commissioner under part 7404.0350, the commissioner shall consider appointment of an agent at the approved office location as specified in this part.

Subp. 1a. **Office administered by municipality.** If the approved office location is an office administered by a municipality, the commissioner may refer the request for appointment to the municipality's governing authority.

A. If the commissioner refers the designation of a municipal employee or official to the municipality, the municipality's governing authority, within 30 days of the date of the referral, shall either:

(1) designate an employee or equivalent officer of the municipality to be appointed by the commissioner; or

(2) decline to designate an individual for appointment.

B. The municipality's governing authority shall notify the commissioner, in writing, of the option chosen under item A within 30 days of referral to the municipality.

C. If the municipality's governing authority declines to designate an individual for appointment by the commissioner as an agent or fails to notify the commissioner of the municipality's chosen option under this subpart within 30 days of referral to the municipality, the commissioner shall consider the appointment of the agent under this part.

D. When designating an individual for appointment, the municipality's governing authority shall follow the procedures in subparts 3 to 6.

E. The commissioner shall appoint the designee when the municipality's governing authority verifies to the commissioner that the individual meets the qualifications for an agent specified in subparts 3 to 6.

Subp. 2. **Publication of vacancy notice.** If a county or municipal employee is not appointed, the commissioner shall publish notice of the agent vacancy for the approved office location.

A. The notice must be published once in a qualified newspaper in the county where the approved office location is located.

B. The notice must be published within 30 days after the county board or the municipality declines to designate an individual for appointment or 30 days after the deadline for the county board or the municipality to respond to the commissioner.

C. The notice of agent vacancy must specify the:

- (1) approved office location;
- (2) commissioner's intent to appoint an agent at that location;
- (3) responsibility of the agent to accept applications;
- (4) authority under statute and rule to make the appointment;
- (5) name, address, telephone and facsimile numbers, and E-mail address of the individual to contact about the appointment; and
- (6) deadline for submitting the application to the commissioner, which must be 14 days after the date the notice appears.

Subp. 3. **Appointment application.** The individual seeking appointment shall submit an appointment application to the commissioner in a paper, electronic, or other format as prescribed by the commissioner. The application must specify:

A. the individual's full name, address, states of residency for the last five years, date of birth, and telephone number;

B. whether the individual has or had any other license with a federal, state, or municipal government agency; the current status of that license; and an explanation of any cancellation, revocation, suspension, or other disciplinary proceeding in connection with the license;

C. whether the individual owns or is a partner, officer, or five-percent shareholder in an entity that:

- (1) operates a driver training program or driver improvement clinic; or
- (2) sells vehicle insurance;

D. the address of the approved office location;

E. a floor plan of the proposed office, including the area and dimensions of the space allocated to process applications, public service area, and storage area;

F. information about the individual's prior education, work experience, and training;

G. a history of prior appointments as an agent, deputy registrar, or public official and the reasons for the denial, suspension, revocation, or cancellation of any prior appointment;

- H. whether the individual owes any delinquent taxes, penalties, or interest;
- I. whether the individual is currently the subject of bankruptcy proceedings;
- J. a certified copy of the individual's criminal history, including a certified copy of a criminal records check of the national criminal records repository criminal justice data communications network; and
- K. the signature of the individual verifying that the information on the application is true. The signature must be notarized.

Subp. 4. **Age of agent.** The agent must be 18 years of age or older.

Subp. 5. **Criminal history check.** The commissioner may conduct a criminal history check at any time while an individual is serving as an agent.

Subp. 6. **Change in agent application conditions.** An agent shall report to the commissioner changes or anticipated changes of the information in subpart 3.

A. The changes must be reported ten calendar days before the date the change is to occur or within ten calendar days of the date the agent learns the changes will occur, whichever occurs first.

B. A change is cause for discontinuance of an appointment if the change violates this chapter or Minnesota Statutes, section 171.061.

Subp. 7. **Reasons to deny agent appointment.** An agent appointment must be denied for any of the reasons listed in this subpart.

A. The appointment application or an item filed with the appointment application does not meet the requirements of subpart 3.

B. The individual applying is a partner, officer, or five-percent or greater shareholder in an entity that:

- (1) operates a driver training program, or driver improvement clinic; or
- (2) sells vehicle insurance.

C. The individual has been convicted of a crime in Minnesota or in another jurisdiction that, if committed in Minnesota, would be a violation of a Minnesota statute of the following type:

- (1) affects a public officer or employee;
- (2) is theft or a related crime;
- (3) is forgery or a related crime; or
- (4) is reasonably related to the position of an agent.

D. The office does not meet the requirements under part 7404.0400 and a variance has not been granted by the commissioner.

E. The commissioner of revenue notifies the commissioner, or the commissioner has sufficient cause to believe, that the individual owes delinquent taxes, penalties, or interest.

F. The individual is in the midst of bankruptcy proceedings.

G. The individual's application for appointment is incomplete or contains a statement that is false, misleading, fraudulent, or otherwise constitutes misrepresentation.

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

**History:** *23 SR 1454; 32 SR 1283*

**Published Electronically:** *February 18, 2008*