

7404.0500 GENERAL OPERATING PRACTICES.

Subpart 1. **Management of office.** An agent shall manage the agent's office according to this part.

A. The agent:

(1) shall not delegate to another individual the authority or responsibility of operating the office; and

(2) shall designate a manager for the office.

B. The agent shall provide written notice to the commissioner of the name of the manager and of a change in the manager within ten calendar days of the change.

C. The manager must be an individual who is at least 18 years of age, actively participates in the acceptance of applications, and is in the office on a full-time basis.

D. The manager shall act as a liaison between the commissioner and the agent's office to discuss and address problems or questions that may arise on a daily basis.

E. The agent shall ensure that only authorized employees of the agent have access to data on the application, supporting documents, and state records that are not public data. The agent shall ensure that a record of the authorized employees is kept in the office records on site.

Subp. 1a. **Training.**

A. Each agent or the agent's designated representative shall complete annual training when provided by the commissioner and any additional training deemed necessary by the commissioner to accept or process applications.

B. Each agent shall ensure that any staff in the agent's office who accept or process applications are subsequently trained by the agent or the agent's designated representative.

C. A record of all training to accept and process applications completed by the agent and agent's staff must be maintained for three years by the agent in the agent's office.

Subp. 1b. **Customer service policy.** The licensing agent must have a customer service policy approved by the commissioner that is applicable to each office operated by the agent.

A. The policy must ensure that all staff who accept or process applications are properly trained and competent to perform their duties.

B. The agent shall ensure that the public is treated with courtesy, consideration, and respect and that the customer's property is treated with respect.

C. The agent shall ensure that the public is provided with complete, current, and accurate information.

D. The agent shall ensure that the applicant's personal and private information is protected.

E. If an investigation by the commissioner in response to a complaint indicates customer service training is necessary, the agent or the agent's designated representative shall complete customer service training provided by or approved by the commissioner. The agent shall ensure that any staff who accept or process applications are subsequently trained by the agent or the agent's representative. A record of the subsequent customer service training must be maintained on site and indicate the date of training and all individuals who completed the training.

F. Each office operated by the agent must have a system to receive, investigate, and resolve customer complaints.

(1) The agent must provide for a mechanism for customer comment or feedback about service.

(2) The office policy must indicate whom to contact within the office with a complaint.

(3) When requested, the customer must be provided with the address and telephone number of an individual at the Minnesota Department of Public Safety to contact with a complaint.

(4) The customer must be assured there will be no retaliation for making a complaint.

(5) The customer must be assured there will be a timely written response made by the agent about a written complaint, if a written response is requested by the complainant or the state.

(6) A record of each written complaint and the licensing agent's response to it must be maintained by the agent at the office location for at least three years.

Subp. 2. **Days and hours of operation.** An agent's office must be open to the public at least 40 hours each week.

A. The legal holidays listed in Minnesota Statutes, section 645.44, subdivision 5, and holidays authorized under Minnesota Statutes, section 373.052, subdivision 1, for county offices are included in the 40-hour calculation.

B. At the time of appointment, the agent shall provide the commissioner:

(1) with an accurate written schedule of the days and hours the office is open to the public; and

(2) the time of the daily close of office records.

C. A written request for a change in the days and hours the office is open to the public must be made to the commissioner at least ten calendar days before the change is expected to occur.

D. The commissioner must approve changes in the days and hours the office is open to the public before the change becomes effective.

E. The time of the daily close of office records may not be changed without prior written notice to the commissioner at least 15 calendar days before the effective date of the change.

Subp. 3. **Closure of office; variance procedure.** An office must be open for at least 40 hours each week unless the commissioner grants a variance to allow an office to be closed for a specified period of time.

A. To request a variance for closure of an office for two working days or more, the agent must submit a written request to the commissioner.

B. The commissioner shall consider the following factors before allowing an office to close:

- (1) reason the closure is requested;
 - (2) length of time the closure is requested;
 - (3) day of the month and time of the year that the closure is requested;
 - (4) number of applications that an office processes on an annual basis and number of applications processed at the requested time of closure, if known;
 - (5) ability to keep the office open with current, additional, or temporary staff;
- and
- (6) the number of variances granted that calendar year.

C. The commissioner shall review the information submitted with the variance request and grant or deny the variance within two working days after receipt of the request.

D. If a variance is granted for office closure, the agent must provide notice to the public at the agent's office of the dates and times of the office closure.

E. If the office is to be closed for four working days or less, the agent must post notice in a conspicuous place inside and outside the office for up to two consecutive weeks before closure.

F. If the office is to be closed for five or more working days, the notice must be posted at the office and also published in a qualified newspaper or aired on a radio station in the county or city in which the office is located.

(1) The notice must be published at least two weeks before the closing for two consecutive weeks, or a shorter time as approved by the commissioner.

(2) The notice of closure must contain the dates and times that the office will be closed and the location and address of the nearest office where alternative service may be obtained.

Subp. 4. **Emergency and short-term closure of office.** For requests of an office closure that is for one day or that is due to an emergency situation or illness, the agent must notify the commissioner by telephone or other means at the earliest opportunity to request a variance from the 40-hour work week.

A. The commissioner shall follow the criteria in subpart 3 when deciding to grant or deny the variance.

B. If a variance is granted for closure of an office, the agent must provide notice to the public, as soon as practicable, at the office of the dates and times of the office closure.

C. If the closure of an office is for more than one day, the agent must follow the variance procedures in subpart 3.

Subp. 5. **Application fees.** An agent shall charge and receive the full application fees specified by Minnesota Statutes, chapter 171.

A. Rebates are prohibited.

B. No application or filing fees may be charged for a document returned for a refund or correction due to an error made by the department or an agent.

Subp. 6. **Telephone use charges.** An agent may not charge a customer for long-distance telephone calls, unless:

A. the charge is for the exact per-minute charge of the telephone call and does not include any charges for other basic or optional telephone services;

B. the long-distance telephone call was made at the request of the customer; and

C. the agent maintains a record of the long-distance telephone calls made each day, which includes the charges assessed and the name and address of the customer for whom the telephone call was made.

Subp. 7. **Cash register.** A separate cash register or cash receptacle must be maintained for application funds.

A. No other funds from other activities may be kept with application funds, except funds from deputy registrar vehicle title and registration transactions, Department of Natural Resources transactions, or county license bureau transactions.

B. The agent must be able to determine at all times which funds are attributable to agent applications, deputy registrar vehicle transactions, Department of Natural Resources transactions, and county license bureau transactions.

C. Funds from other sources are permitted in the cash register other than those funds listed in items A and B if the agent's fee receipt system can differentiate funds from various sources and the agent has received written approval from the commissioner to use such a system.

Subp. 8. **Imprest cash.** An agent shall maintain a verifiable and identical amount of start-up funds in the cash register or cash receptacle on a daily basis.

A. The agent shall inform the commissioner, in writing, of the amount of money that will be used during the day for start-up funds.

B. The amount of the start-up funds must not be changed without prior written notification to the commissioner.

Subp. 8a. **Credit card acceptance; general requirements.**

A. An agent shall accept credit cards and debit cards as a method of payment for application and reinstatement fee transactions, unless a variance is granted under subpart 8b. The commissioner shall specify the types of credit cards and debit cards that the agent can accept for payment.

B. Ordinarily, an agent shall operate at least one card-processing terminal in the office at which driver's license transactions are conducted, but an agent may operate a point-of-sale information system, or other similar information system used to process and manage business transactions, if:

(1) the convenience fee rate that is charged to credit or debit card transactions is the same rate that all agents charge for such transactions;

(2) the information system meets the requirements of the state's credit card vendor; and

(3) there is no cost to the commissioner for the operation and maintenance of the agent's information system.

C. The commissioner shall:

(1) provide card-processing terminals at no cost to the agent; and

(2) replace defective card-processing terminals at no cost to the agent.

D. The agent shall provide the technological infrastructure as specified in part 7404.0400, subpart 4, item I.

E. The commissioner shall provide the agent with signage in an electronic format that states:

(1) the types of credit cards that the agent must accept for payment of application and reinstatement fees; and

(2) a convenience fee is added to a transaction paid by a credit card or debit card.

The agent shall display this signage in a prominent location within the public viewing area of the office.

F. The agent shall inform a person who chooses to pay by credit card or debit card of the amount of the convenience fee and shall obtain the person's consent to the convenience fee before completing the transaction.

G. An agent is responsible for chargebacks as specified in part 7404.0450, subpart 1a, item C.

Subp. 8b. **Credit card acceptance; variance procedure.** An agent may apply to the commissioner for a variance from the provision in subpart 8a requiring acceptance of credit cards and debit cards. A variance to subpart 8a does not include a variance to the technology requirements in part 7404.0400, subpart 4, item I. Application for a variance may be made by submitting a written request to the commissioner according to this subpart. The commissioner shall consider the following factors when reviewing the request for a variance:

A. the agent's written statement of reasons why credit card and debit card acceptance would impose serious economic hardship;

B. bank statements from the agent's office for the preceding three months;

C. the average number and average amount of driver's license transactions conducted in the agent's office during the preceding year; and

D. additional information requested by the commissioner or supplied by the agent.

Subp. 8c. **Credit card acceptance; commissioner's review.** The commissioner shall review the agent's request for a variance under subpart 8b and grant it or deny it within 30 calendar days of its receipt, or within 30 calendar days from the date of the commissioner's request for additional information, whichever is later. The commissioner shall give the agent written justification for a decision to deny the variance. Failure of the agent to submit

the additional information requested under subpart 8b within 15 calendar days of the request is cause for the commissioner to deny a request for a variance. This procedure is not a contested case hearing as defined in Minnesota Statutes, chapter 14.

Subp. 9. **Inventory to remain in office.** Inventory assigned to the agent by the commissioner must remain in the office, except in the following authorized circumstances:

- A. return of inventory to the commissioner;
- B. destruction or removal of inventory that is obsolete; or
- C. other removal or transfer of inventory that is authorized by the commissioner such as approval to reassign inventory to another office or approval to remove inventory through other means such as through newly established technology.

Subp. 10. **State-issued property; accountability.** State-issued property provided to an office must be accounted for by submitting the property to the commissioner. If state-issued property is unaccounted for, the agent is responsible for the replacement cost of the state property.

Subp. 11. **Displays.** An agent shall exhibit, as directed by the commissioner, any displays, notices, or other information relating to applications that are provided by the commissioner.

Statutory Authority: *MS s 14.06; 14.386; 171.06; 171.061; 373.35*

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