

**7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS.**

Subpart 1. **Management of office.** In managing the office, a deputy registrar:

A. shall not delegate to another person the authority or responsibility of operating the office; and

B. shall designate one contact person for the office. The deputy registrar shall provide written notification to the commissioner of the name of the contact person and of a change in the contact person within ten days of the change. The contact person must be a person who actively participates in the processing of transactions and who is in the office on a full-time basis. The contact person shall act as a liaison between the commissioner and the deputy registrar office to discuss and address problems or questions that may arise on a daily basis.

Subp. 2. **Hours.** Deputy registrar offices must be open for business at least 40 hours during each week. However, 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.

Each deputy registrar shall provide the commissioner with an accurate written schedule of the hours the office is open for business. A written request for a change in office hours must be made to the commissioner at least ten days before the change in hours. The commissioner must approve changes in business hours before the hours become effective.

Subp. 2a. **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. To request a variance for closure of an office for two days or more, the deputy registrar shall submit a written request on a form prescribed by the commissioner. Under the variance procedure, the commissioner shall consider the following factors before allowing an office to close:

- A. reason the closure is requested;
- B. length of time the closure is requested;
- C. day of the month and time of the year that the closure is requested;
- D. number of transactions that an office processes on an annual basis and number of transactions that are processed at the requested time of closure, if known;
- E. ability to keep the office open with current, additional, or temporary staff; and
- F. number of variances granted that year.

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

If a variance is granted for closure of an office, the deputy registrar must provide notice to the public at the deputy registrar office of the dates and times of the office closure. If the office is to be closed for four days or less, the deputy registrar must post notice in a conspicuous place inside and outside the office for up to two consecutive weeks before closure. If the office is to be closed for five or more days, the notice must be posted at the office and also published in a qualified newspaper or on a radio station in the county or city in which the office is located. 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.

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 can be obtained.

Subp. 2b. **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, the deputy registrar must notify the commissioner by telephone or other means at the earliest opportunity to request a variance from the 40-hour work week. The commissioner must follow the criteria in subpart 2a when deciding to grant or deny the variance. If a variance is granted for closure of an office, the deputy registrar must provide notice to the public, as soon as practicable, at the deputy registrar office of the dates and times of the office closure. If the closure of an office is for more than one day, the deputy registrar must follow the variance procedures set forth in subpart 2a.

Subp. 3. [Repealed, 29 SR 97]

Subp. 4. [Repealed, 20 SR 2784]

Subp. 5. **Filing fees.** Filing fees are governed by the following requirements:

A. A deputy registrar shall charge and receive the full filing fee specified by law. Rebates are prohibited.

B. No filing fee may be charged for a document returned for a refund, correction of an error made by the department or a deputy registrar, permanent surrender of a certificate of title, or license plate for a motor vehicle.

C. A deputy registrar may not charge a customer for long-distance telephone calls, unless:

(1) 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;

(2) the long-distance telephone call was made at the request of the customer;  
and

(3) the deputy registrar 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. 6. **Cash register.** A separate cash register or cash receptacle must be maintained for deputy registrar funds. No other funds from other businesses may be kept with deputy registrar funds, except:

A. funds from driver's license, Department of Natural Resources, or county license bureau transactions, concerning which the deputy registrar must be able to determine at all times which funds are attributable to motor vehicle transactions and which funds are attributable to driver's license, Department of Natural Resources, or county license bureau transactions; or

B. funds from other sources, other than those listed in item A, when the deputy registrar's fee receipt system is able to differentiate funds from various sources and the deputy registrar has received written approval from the commissioner to use such a system.

Subp. 7. **Imprest cash.** A deputy registrar shall maintain a verifiable and identical amount of start-up funds in the cash register or cash receptacle on a daily basis. The deputy registrar shall inform the commissioner, in writing, of the amount of money that will be used during the day for start-up funds. The amount of the start-up funds must not be changed without prior written notification to the commissioner.

Subp. 7a. **Credit card acceptance; general requirements.**

A. A deputy registrar shall accept credit cards and debit cards as a method of payment for motor vehicle transactions, unless a variance is granted under subpart 7b. The commissioner shall specify the types of credit and debit cards that the agent can accept for payment.

B. Ordinarily, a deputy registrar shall operate at least one card-processing terminal in the office at which motor vehicle transactions are conducted. But a deputy registrar may operate a point-of-sale information system, or other 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 deputy registrars charge for such transactions;

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

(3) there is no cost to the commissioner for the operation and maintenance of the deputy registrar's information system; and

(4) the commissioner approves the information system.

C. The commissioner shall:

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

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

D. The deputy registrar shall provide the technological infrastructure as specified in part 7406.0400, subpart 3a.

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

(1) the types of credit cards that the deputy registrar must accept for payment of a motor vehicle transaction; and

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

A deputy registrar shall display this signage in a prominent location within the public viewing area of the office.

F. A deputy registrar 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. A deputy registrar is responsible for chargebacks as specified in part 7406.0450, subpart 1a, item C.

Subp. 7b. **Credit card acceptance; variance procedure.** A deputy registrar may apply to the commissioner for a variance from the provision in subpart 7a requiring acceptance of credit cards and debit cards. A variance to subpart 7a does not include a variance to the technology requirements in part 7406.0400, subpart 3a. 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 deputy registrar's written statement of reasons why credit card and debit card acceptance would impose serious economic hardship;

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

C. the average number and average amount of motor vehicle transactions conducted in the deputy registrar's office during the preceding year; and

D. additional information requested by the commissioner or supplied by the deputy registrar.

Subp. 7c. **Credit card acceptance; commissioner's review.** The commissioner shall review the deputy registrar's request for a variance under subpart 7b and grant 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 deputy registrar written justification for a decision to deny the variance. Failure of the deputy registrar to submit the additional information requested under subpart 7b 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. 8. **Inventory to remain in office.** Unsold inventory that is assigned to a deputy registrar 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. 9. **Mail order transaction.** A deputy registrar may mail out inventory to customers upon meeting the conditions in items A to E.

A. The deputy registrar shall provide written notification to the commissioner that the office will provide mail service to customers. Once written notification is provided to the commissioner, the deputy registrar must accept and process all mail transactions that are ready for issuance of inventory. Incomplete motor vehicle transactions that are received by mail must follow the procedures in part 7406.0450, subpart 2a.

B. The deputy registrar shall maintain a record of the inventory that was mailed and the name and address where the inventory was mailed. The record may be maintained on the daily summary report under part 7406.0450, subpart 2, or other report maintained separately by the deputy registrar.

C. The inventory must be mailed under uniform mailing standards as provided by the commissioner.

D. The deputy registrar must pay the replacement cost of inventory if the inventory is lost in the mail or the customer did not otherwise receive the inventory.

E. The deputy registrar shall mail the inventory by at least first class United States mail, unless a request is made by the customer for other special delivery services. The deputy registrar shall incur the cost of mailing the inventory, unless the customer requests a special delivery of the inventory. If the customer requests a special delivery of the inventory, the deputy registrar may allow the customer to incur the cost of those special delivery charges.

If a deputy registrar does not make a written request to provide mail service to customers, the mail orders received by a deputy registrar, including the filing fee, must be forwarded to the commissioner for processing and mailing.

Subp. 10. **Registration stickers unaccounted for.** Registration stickers assigned to an office, except for the month sticker, must be accounted for by issuance and money collected, by affidavit of missing initial inventory, or by submitting the defective registration sticker to the commissioner.

If a registration sticker is unaccounted for, the deputy registrar is responsible for payment of the registration tax loss or replacement cost for each registration sticker unaccounted for. The amount of registration tax that a deputy registrar must pay is either the full, average, or minimum registration tax as determined under items A and B.

A. A deputy registrar must pay the full registration tax for the registration sticker if the commissioner has sufficient cause to believe that the full amount of the registration tax was paid for by the customer.

B. A deputy registrar will have to pay the average or minimum registration tax or replacement cost of the registration sticker after consideration of the following factors by the commissioner:

(1) timely notification to the commissioner, and to the law enforcement agency if applicable, regarding the registration stickers unaccounted for;

(2) the investigation and follow-up measures taken by the deputy registrar regarding the registration stickers unaccounted for;

(3) the action taken by the deputy registrar to recover the registration stickers and the number of registration stickers that were recovered;

(4) the security measures that were in place to protect the registration stickers;

(5) the value of the registration stickers;

(6) the circumstances under which the registration stickers became unaccounted for; and

(7) the results of any audit conducted by the commissioner.

The commissioner shall notify a deputy registrar of the amount of the full, average, or minimum average tax at the end of each fiscal year. If the full registration tax is required to be paid by the deputy registrar, a late deposit charge calculated under part 7406.0450 must also be paid by the deputy registrar.

Subp. 11. **Other inventory or state-issued property unaccounted for.** Inventory, other than registration stickers under subpart 10, and other state-issued property provided to

an office, must be accounted for by issuance and fees collected, by affidavit of missing initial inventory, or by submitting the defective inventory or state property to the commissioner.

If inventory or other state-issued property is unaccounted for, other than stickers, the deputy registrar is responsible for the replacement cost of the inventory or state property.

**Statutory Authority:** *MS s 14.06; 168.33; 171.061; 299A.01*

**History:** *13 SR 1733; 17 SR 1279; 20 SR 2784; 29 SR 97; 35 SR 1974*

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