

1.1 **Department of Natural Resources**

1.2 **Proposed Permanent Rules Relating to Electronic Licensing**

1.3 **6213.0100 DEFINITIONS.**

1.4 [For text of subps 1 to 3, see M.R.]

1.5 Subp. 4. **Electronic license.** "Electronic license" means ~~a game and fish~~ an
1.6 application, license, cross-country ski pass, snowmobile trail permit, sticker, watercraft
1.7 license, or off-road recreational vehicle registration, or any other future electronic
1.8 transaction relating to Department of Natural Resources licensing, issued under the
1.9 electronic license system.

1.10 Subp. 5. **Electronic license system.** "Electronic license system" means the
1.11 Minnesota system of using point-of-sale equipment, online sales, or a telephone service to
1.12 collect data and to issue ~~game and fish licenses, cross-country ski passes, snowmobile~~
1.13 ~~trail stickers, watercraft licenses, and off-road recreational vehicle registrations~~ electronic
1.14 licenses.

1.15 [For text of subp 6, see M.R.]

1.16 **6213.0310 SELECTION OF AGENTS.**

1.17 Subpart 1. **Factors to be considered.** Before appointing an agent or approving an
1.18 additional business location, the commissioner shall consider the following factors:

- 1.19 A. the accessibility of the applicant's business location to the public;
- 1.20 B. the number and location of existing agents;
- 1.21 C. the volume of expected electronic license sales; ~~and~~
- 1.22 D. the nature and type of business engaged in by the applicant; and
- 1.23 E. hours of operation during the entire year.

2.1 The commissioner ~~may~~ shall contract with agents who fulfill the requirements of parts
2.2 6213.0100 to 6213.0800 and who in the commissioner's opinion will best serve the public
2.3 convenience and promote the sale of electronic licenses.

2.4 [For text of subp 2, see M.R.]

2.5 **6213.0320 RECONSIDERATION OF DENIED APPLICATION.**

2.6 Subpart 1. **Notice.** If an application to be an agent or add an additional business
2.7 location is denied, the commissioner shall notify the applicant of the denial in writing and
2.8 give a brief statement of the reason for denial. The commissioner shall notify the applicant
2.9 that the applicant may, within 30 days from the day the notice was ~~mailed~~ received,
2.10 request that the commissioner reconsider the application.

2.11 [For text of subp 2, see M.R.]

2.12 **6213.0400 TERMS OF AGENT CONTRACT.**

2.13 [For text of subps 1 to 3, see M.R.]

2.14 Subp. 4. **Hours of operation.** An agent must agree to issue electronic licenses to
2.15 the public during normal business hours or other hours of operation specified under the
2.16 contract, for the duration of the contract.

2.17 Subp. 5. **Restrictions on sale of electronic licenses.** An agent may not offer
2.18 electronic licenses for free or at a nominal, reduced, or increased fee except as provided
2.19 by Minnesota Statutes, ~~sections 97A.475 and 97A.485.~~ An agent may not waive all or
2.20 part of the issuing fee or use electronic licenses in connection with a drawing, raffle,
2.21 giveaway, or other sales promotion.

2.22 [For text of subp 6, see M.R.]

2.23 Subp. 7. **Communication and electrical needs.** An agent must agree to provide
2.24 access to a telephone line, either dedicated or nondedicated, and an established
3.1 communications connection and access to electrical outlets to use the point-of-sale

3.2 equipment. The point-of-sale equipment will utilize a toll-free telephone number to the
3.3 electronic license system.

3.4 Subp. 8. **Lost or missing materials and equipment; terms of deposit.** Except
3.5 for acts beyond their control, an agent must agree to be responsible for lost, stolen,
3.6 missing, or destroyed electronic licenses and materials and point-of-sale equipment
3.7 relating to electronic licenses. An agent, except for those agents who are appointed as a
3.8 deputy registrar of motor vehicles by the commissioner of public safety under Minnesota
3.9 Statutes, section 168.33, must provide a deposit not to exceed \$500 per set of equipment.
3.10 The deposit shall be held in a clearing account. The deposit shall be refunded at the
3.11 time an agent terminates the agent's contract if all point-of-sale equipment and related
3.12 materials are returned to the commissioner in good working condition and if the agent
3.13 has no outstanding debt owed to the Department of Natural Resources. If the equipment
3.14 is not returned within 30 days of contract termination, the deposit shall be forfeited and
3.15 used towards the cost of replacing the equipment. An agent's deposit shall be applied
3.16 to any outstanding debt owed to the Department of Natural Resources at the time of
3.17 contract termination.

3.18 [For text of subps 9 to 14, see M.R.]

3.19 Subp. 15. **Security.** An agent must provide a location for the electronic license
3.20 system equipment that protects it from damage and unauthorized use.

3.21 Subp. 16. **Data practice.** An agent must agree that electronic license system data
3.22 may be used only in the normal course of business for processing electronic license
3.23 system transactions.

3.24 **6213.0410 DURATION OF AGENT CONTRACT; TRANSFERABILITY.**

4.1 Subpart 1. **Duration.** An agent contract remains in effect until the contract is
4.2 terminated at the request of the agent in writing or is canceled or suspended by the
4.3 commissioner according to parts 6213.0100 to 6213.0800 or other law.

4.4 Subp. 2. **Change in operations.** An agent must notify the commissioner in writing
4.5 at least 30 days before any change in business location, nature of business, hours of
4.6 operation, or ownership. The commissioner shall reconsider a contract based on the
4.7 ~~original~~ application criteria under part 6213.0310 when there is a change in business
4.8 location, nature of business, hours of operation, or ownership. The commissioner shall
4.9 cancel the contract if the agent no longer meets the criteria for acceptance of an original
4.10 application.

4.11 Subp. 3. **Transferability; change in ownership.** An agent contract issued under
4.12 parts 6213.0100 to 6213.0800 may not be transferred. When an agent's business changes
4.13 ownership, the new owner must submit an application to be appointed an agent, which is
4.14 subject to approval by the commissioner.

4.15 **6213.0420 FORFEITURE OR SUSPENSION OF CONTRACT.**

4.16 [For text of subp 1, see M.R.]

4.17 Subp. 2. **Suspension or cancellation of agent contract.** The commissioner ~~shall~~
4.18 may cancel or suspend an agent contract until the agent returns to compliance if the
4.19 commissioner finds that the agent:

4.20 [For text of items A to D, see M.R.]

4.21 E. failed to properly display license point-of-sale equipment and materials; or

4.22 F. failed to have the financial stability or responsibility to act as an agent as
4.23 evidenced by inadequate accounting records or a failure to maintain sufficient funds from
4.24 the sale of electronic licenses in the appropriate bank account;

4.25 G. had fewer than 300 electronic license system transactions per year; or

5.1 H. misused electronic license system data.

5.2 Subp. 3. **Notice.** If an agent contract is forfeited ~~or~~, suspended, or canceled under
5.3 subpart 1 or 2, the commissioner shall notify the agent ~~in writing~~ and give a brief statement

5.4 of the reason for forfeiture, cancellation, or suspension. The commissioner shall notify
5.5 the agent that the agent may, within 30 days from the ~~day~~ date of the notice ~~was mailed~~,
5.6 request that the commissioner reconsider the forfeiture, cancellation, or suspension.
5.7 Notice of forfeitures and cancellations shall be in writing.

5.8 [For text of subp 4, see M.R.]

5.9 **6213.0500 SALE OF ELECTRONIC LICENSES.**

5.10 [For text of subps 1 and 2, see M.R.]

5.11 Subp. 3. **Resident licenses.** An agent may not issue a resident license to a person
5.12 unless the agent ascertains that the applicant is a resident, as defined by Minnesota
5.13 Statutes, ~~section 97A.015, subdivision 42, as demonstrated by:~~

5.14 A. ~~a Minnesota driver's license;~~

5.15 B. ~~a Minnesota identification card issued under Minnesota Statutes, section~~
5.16 ~~171.07, subdivision 3 or 3a;~~

5.17 C. ~~a firearms safety certificate issued under Minnesota Statutes, section~~
5.18 ~~97B.015, subdivision 5; or~~

5.19 D. ~~a snowmobile safety certificate issued under part 6100.5500, subpart 5.~~

5.20 **6213.0510 DUPLICATE LICENSES.**

5.21 A licensee whose electronic license is lost or destroyed may obtain a duplicate license
5.22 by applying to an agent ~~and signing the duplicate license under oath.~~