

Department of Public Safety**Proposed Permanent Rules Relating to Driver's License Agents and Deputy Registrars****7404.0100 DEFINITIONS.**

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Applicant.** "Applicant" has the meaning given in Minnesota Statutes, section 171.061, subdivision 1, clause (1), but does not include a bidder under subpart 5b.

Subp. 4. **Application.** "Application" has the meaning given in Minnesota Statutes, section 171.061, subdivision 1, clause (2), but does not include a bid under subpart 5a.

[For text of items A and B, see Minnesota Rules]

[For text of subpart 5, see Minnesota Rules]

Subp. 5a. **Bid.** "Bid" means an application for replacing an agent under part 7404.0380.

Subp. 5b. **Bidder.** "Bidder" means an individual submitting a bid to replace an agent under part 7404.0380.

[For text of subparts 6 and 7, see Minnesota Rules]

Subp. 8. **Collected or collection.** "Collected" or "collection" means:

A. the receipt of application and reinstatement fees and other related fees paid by an applicant less the filing fee ~~specified in~~ under Minnesota Statutes, section 171.061, subdivision 4, paragraph ~~(e)~~ (a); and

[For text of item B, see Minnesota Rules]

[For text of subparts 9 to 21, see Minnesota Rules]

Subp. 22. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds that are put forth in good faith; that are not arbitrary, irrational, unreasonable, or irrelevant;

that make the proposition asserted more likely than not; and that are based on at least one of the following sources:

[For text of item A, see Minnesota Rules]

B. facts or statements by an ~~applicant~~ individual applying for appointment as an agent; or by an appointed agent;

[For text of items C and D, see Minnesota Rules]

Subp. 23. **Underserved.** "Underserved" means having inequitable access to an office such that a new agent or new office location is needed to:

A. meet an emerging or demonstrated need for an application site;

B. address an emerging or demonstrated population need; or

C. improve public access or service delivery.

7404.0300 LOCATION OF AGENT OFFICE; PROPOSED BY THIRD PARTY.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Municipalities with over 50,000 population.** The conditions ~~listed~~ in this subpart must be met before a proposed office location is considered by the commissioner in a municipality with a population exceeding 50,000, not including municipalities in a metropolitan county.

[For text of item A, see Minnesota Rules]

B. A maximum of two ~~licensing agent~~ offices may exist in any municipality with a population exceeding 50,000.

[For text of items C to F, see Minnesota Rules]

[For text of subparts 5 and 6, see Minnesota Rules]

Subp. 7. Proposed office location under competitive bidding process.

A. This subpart applies only when:

- (1) the commissioner is appointing a replacement agent under part 7404.0380;
and
(2) the existing office is unavailable.

B. A proposed office location under this subpart must:

- (1) be in the same county and municipality as the existing office; and
(2) adhere to the distance requirements under subpart 3, item A; 4, item A;
or 5, item A.

C. When a bidder is applying under part 7404.0380 for an existing office that is unavailable, the bidder must notify other agent offices within a 30-mile radius of the bidder's proposed office location in writing. Within 14 days after being notified, an agent may submit to the commissioner written comments supporting or opposing the proposed office location.

D. For purposes of this subpart, "existing office" has the meaning given in part 7404.0380, subpart 3, item B.

7404.0305 ADDITIONAL CONSIDERATIONS FOR PROPOSED OFFICE LOCATION CONSIDERATIONS.

Subpart 1. Additional factors ~~considered~~ to consider.

A. Before appointing an agent, the commissioner must approve a proposed location for an agent office.

B. In addition to the information and conditions ~~specified in~~ under part 7404.0300, the commissioner ~~shall~~ must consider the factors ~~described~~ in this part when considering a proposed office location:

- ~~A.~~ (1) the accessibility of the office location to the public;
- ~~B.~~ (2) the cost to the state to audit, monitor, and train the agent and staff at the office; and
- ~~C.~~ (3) whether the office location will best serve the public convenience.

Subp. 2. ~~Disapproval of~~ **Denying proposed office location.**

~~A. If the commissioner denies a request for an proposed office location is not approved under part 7404.0300, the commissioner shall~~ must notify the individual proposing the office location in writing and ~~provide a statement of the reason for the disapproval. The statement must notify the individual that, within 30 days from the day the notice was mailed, the individual may appeal the disapproval to the Office of Administrative Hearings for a contested case hearing under Minnesota Statutes, chapter 14, if a factor in subpart 1 was cited for disapproval and disapproval was not due to a failure to meet the distance or transaction requirements for office location.~~ explaining:

- (1) why the proposed office location was denied;
- (2) any action required to correct the reason for denial; and
- (3) that the individual may request that the commissioner reconsider the denial:
 - (a) within 15 days after the notice date;
 - (b) by explaining why the commissioner should approve the proposed office location; and
 - (c) by including in the response any documents or evidence supporting the reconsideration request.

B. Upon receiving a timely written response under item A, the commissioner must:

(1) review the response to determine whether to affirm the denial; and

(2) notify the individual of the commissioner's determination within 15 days after receiving the reconsideration request.

C. A commissioner determination under this subpart is final and not subject to a contested case hearing under Minnesota Statutes, chapter 14.

7404.0310 EXCEPTIONS.

[For text of subparts 1 to 3, see Minnesota Rules]

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~~ that does not meet the minimum distance in part 7404.0300; if the number of applications accepted by the office ~~meet~~ meets or ~~exceed~~ exceeds the minimums ~~specified~~ in part 7404.0300 during each of the three years preceding the ~~date of application~~ date for a new agent appointment.

7404.0330 ~~MOVE OF~~ MOVING EXISTING OFFICE LOCATION.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **~~Right to review commissioner's decision~~ Reconsideration request.**

A. An agent may contest ~~the a variance denial of a variance of the commissioner~~ by ~~requesting a hearing.~~ filing a written reconsideration request to the commissioner:

~~A.~~ (1) ~~The agent shall submit, within 15 days of the receipt of~~ after the commissioner's dated decision, ~~a request for a hearing;~~

~~B.~~ (2) ~~The request for a hearing must set forth in detail the reasons that explains why the agent contends the decision of the commissioner should be changed.~~ approve the variance; and

(3) that includes in the response any documents or evidence supporting the reconsideration request.

~~C. The hearing must follow the hearing procedures in parts 7406.1100 to 7406.2600.~~

B. Upon receiving a timely written response under item A, the commissioner must:

(1) review the response to determine whether to affirm the denial; and

(2) notify the agent in writing of the commissioner's determination within 15 days after receiving the reconsideration request.

C. A commissioner determination under this subpart is final and not subject to a contested case hearing under Minnesota Statutes, chapter 14.

7404.0340 DEPUTY REGISTRAR AS LIMITED LICENSING AGENT.

Subpart 1. **Deputy registrar as limited licensing agent.** Notwithstanding part 7404.0300, ~~as of January 22, 2008, all a new~~ deputy registrars registrar appointed by the commissioner under chapter 7406, including part 7406.0365, and Minnesota Statutes, section 168.33, must also be appointed by the commissioner to assume the duties of a limited ~~licensing agent as specified in~~ under this part.

[For text of subparts 2 to 5, see Minnesota Rules]

7404.0345 DEPUTY REGISTRAR AS LICENSING AGENT.

Notwithstanding part 7404.0300 notwithstanding, as of January 22, 2008, a new deputy registrar appointed under chapter 7406, including part 7406.0365, may apply to the commissioner for appointment ~~also as a licensing~~ an agent under this chapter.

A. ~~The applicant~~ deputy registrar must be an individual, and the office must ~~meet the requirements specified in~~ comply with this chapter.

[For text of item B, see Minnesota Rules]

C. ~~Any~~ A deputy registrar who is not a ~~licensing an~~ agent as of January 22, 2008, and who applies to be a ~~licensing an~~ agent must complete initial and ongoing licensing agent training.

[For text of item D, see Minnesota Rules]

7404.0360 COMMISSIONER'S APPOINTMENT PROCEDURE.

Subpart 1. In general.

A. An agent appointment cannot be transferred to another individual without following the procedure in this part or part 7404.0350 ~~or this part~~.

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

~~B. C.~~ 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~~ must consider appointment of an agent at the approved office location ~~as specified in~~ according to this part.

[For text of subparts 1a and 2, see Minnesota Rules]

Subp. 3. **Appointment application.** ~~The~~ An individual seeking appointment ~~shall~~, including an appointment under part 7404.0380, must submit an appointment application to the commissioner in a paper, or electronic, ~~or other~~ format ~~as prescribed by the commissioner~~. The application must specify:

[For text of items A and B, see Minnesota Rules]

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 under chapter 7411; or

[For text of subitem (2), see Minnesota Rules]

[For text of items D to J, see Minnesota Rules]

K. ~~the~~ a notarized signature of the individual ~~verifying~~ attesting that the information on the application is true. ~~The signature must be notarized.~~

[For text of subparts 4 to 6, see Minnesota Rules]

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

[For text of item A, see Minnesota Rules]

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 under chapter 7411; or

[For text of subitem (2), see Minnesota Rules]

[For text of items C to G, see Minnesota Rules]

7404.0370 ~~APPOINTMENT OF~~ APPOINTING AGENT.

Subpart 1. In general.

A. An appointment, including an appointment under part 7404.0380, must be based on:

(1) information ~~contained~~ in the appointment application;

(2) if replacing an agent under part 7404.0380, the information in the bid and the commissioner's review under part 7404.0380, subparts 4 and 6, respectively;

(3) an interview;

(4) an inspection of the office or review of a floor plan for compliance with part 7404.0400; and

(5) any other relevant information or documentation requested by the commissioner if needed to make an appointment in accordance with this chapter and Minnesota Statutes, section 171.061.

~~A.~~ B. The An individual being appointed as an agent must:

(1) possess, and ensure that all employees of the agent who have contact with the public possess, communication and customer service skills;

~~B.~~ (2) The individual must possess or demonstrate knowledge or experience in the laws and rules pertinent to the acceptance of on accepting applications, office management, accounting, and record keeping; and

~~C.~~ (3) The individual must indicate a willingness to successfully complete initial and annual training provided by the commissioner as specified in under part 7404.0500, subpart 1a.

C. Subparts 2 and 3 apply to an appointment under part 7404.0380.

Subp. 2. **Certificate of appointment.** Subject to subpart 1, the commissioner ~~shall~~ must sign and execute and sign a certificate of appointment that specifies the individual appointed as an agent, the approved office location, and the responsibility of the agent to accept applications.

[For text of items A and B, see Minnesota Rules]

C. The commissioner ~~shall cancel a~~ must discontinue an agent's certificate of appointment if the ~~appointed~~ agent fails to provide an operational office ~~that meets the requirements of~~ under this chapter within 12 months ~~of the date of~~ after the initial appointment ~~by the commissioner~~ date.

[For text of subpart 3, see Minnesota Rules]

Subp. 4. **Change in agent designated by county or municipality.** Except as provided under part 7404.0500, subpart 4a, an agent designated by a county board shall must notify the county board and commissioner, in writing, ~~no less than~~ at least 30 days before the agent resigns, retires, or discontinues service. If the agent's office is vacated upon the agent's death or discontinuance ~~of the agent~~, an official authorized by the county board or municipality must notify the commissioner in writing within ten days ~~of~~ after the vacancy occurs.

Subp. 5. **~~Transfer of~~ Transferring appointment.** An agent appointment may ~~not~~ be transferred to another individual or office ~~without the approval of the commissioner~~ only according to part 7404.0350 or 7404.0360.

7404.0380 COMPETITIVE BIDDING PROCESS FOR REPLACING AN AGENT AND CLOSING AN OFFICE.

Subpart 1. **Applicability.** Notwithstanding any other rule, this part applies in accordance with Minnesota Statutes, section 171.061, subdivision 5a, only when an agent has permanently stopped accepting and processing applications at an office and has permanently closed the office. This part does not apply to state-operated application or examination sites.

Subp. 2. **Notifying public of office closure.** Within 60 days after being notified under part 7404.0500, subpart 4a, the commissioner must publish notice of the agent vacancy for the existing office in a qualified newspaper in the county where the approved office location is located.

Subp. 3. Notice of vacancy.

A. The notice of vacancy must:

- (1) state that there is a vacancy and that bidders may apply to become a replacement agent at the existing office that is vacant;
- (2) detail one of the following:
 - (a) if the existing office will be available for a bidder to continue to accept and process applications at the existing office in accordance with this chapter:
 - i. describe the existing office's location; and
 - ii. state that the bidder must continue to accept and process applications at the existing office; or
 - (b) if the existing office will be unavailable, state that a bidder must provide a proposed office location according to part 7404.0300, subpart 7, item B;
- (3) state the commissioner's intent to appoint an agent according to subpart 6;
- (4) state the bidder's responsibility to process and accept applications in accordance with this chapter;
- (5) list the requirements under subpart 4;
- (6) list the commissioner's authority under statute and rule to make the appointment, including a statement that the commissioner must not give preference to:
 - (a) any county or municipality; and
 - (b) bidders according to Minnesota Statutes, section 171.061, subdivision 5a, paragraph (b); and
- (7) state that a bidder must apply within 14 days after the notice is published.

B. For purposes of this subpart and subpart 4 and notwithstanding part 7404.0100, subpart 14, "existing office" means the office location of the agent closing an office under part 7404.0500, subpart 4a.

Subp. 4. **Bid requirements.**

A. Part 7404.0360, subparts 4 and 6, relating to an application, apply to the extent consistent with this part.

B. A bidder must submit a written plan that describes the following:

(1) if the existing office is available:

(a) how continuing to accept and process applications at the existing office will affect other offices located in the same county or municipality; and

(b) the public benefits of continuing to accept and process applications at the existing office;

(2) if the existing office is unavailable:

(a) the proposed office location in accordance with part 7404.0300, subpart 7, item B;

(b) the distance of the proposed office location from the existing office and how the proposed office location serves the same community or neighborhood;

(c) the accessibility of the proposed office location to the public and how the proposed office location will best serve the public convenience;

(d) the information under part 7404.0330, subpart 2, item B, subitems (4), (7), and (8); and

(e) the bidder's plans to notify other agent offices of the bidder's proposed office location according to part 7404.0300, subpart 7, item C;

(3) a service plan that details:

(a) the bidder's ability to accept and process applications at the existing office or proposed office location;

(b) the bidder's proposed days and hours of operation in compliance with part 7404.0500, subpart 2; and

(c) the existing office's or proposed office location's accessibility under the Americans with Disabilities Act and state accessibility law;

(4) the number of anticipated staff and a staff training plan for compliance with part 7404.0500, subpart 1a, item B;

(5) the bidder's commitment to underserved populations, including:

(a) any plan to notify underserved populations in the county or municipality of the office and the office's services related to accepting and processing applications;

(b) any planned partnerships with counties, municipalities, or other persons to help notify underserved populations under unit (a); and

(c) a plan explaining how applications will be equitably accepted and processed; and

(6) any other information requested by the commissioner if needed to determine compliance with this part or Minnesota Statutes, section 171.061.

Subp. 5. **Commissioner denial.** Part 7404.0360, subpart 7, applies to the extent consistent with this part.

Subp. 6. Reviewing bids and appointing replacement agent.

A. Within 60 days after timely receiving all completed bids, the commissioner must review the bids for compliance with subpart 4 to determine which bid will best serve the public convenience.

B. An individual who receives the highest score must pass a criminal history check under part 7404.0360, subpart 3, item J. If the highest-scoring individual fails the criminal history check, the commissioner must appoint the next highest-scoring individual according to part 7404.0370, subject to passing the criminal history check.

C. The commissioner must continue to appoint the next highest-scoring individual to fill the vacancy, subject to passing the criminal history check under item B, until the appointment is filled.

D. The commissioner must not appoint an individual proposing a new office location unless the location complies with part 7404.0300, subpart 7, item B.

Subp. 7. No qualified bids; appointment reverts to commissioner. An appointment of a closed office under this part and all state-provided inventory and equipment revert to the commissioner if the commissioner does not receive any bids for the office or any bids that comply with this part.

Subp. 8. Applicability of other rule parts. Unless otherwise specified:

A. parts 7404.0300 to 7404.0370 do not apply to an agent being appointed under this part; and

B. parts 7404.0400 to 7404.0900 apply to an agent appointed under this part.

7404.0400 AGENT OFFICE REQUIREMENTS.

Subpart 1. ~~In general~~ Applicability.

A. An approved office location must comply with this part.

~~A. B.~~ For This part applies to an existing office when:

(1) there is a discontinuance of the an agent appointment or an agent's death, resignation, or retirement of an agent, and for which a new appointment is requested, the requirements of this part apply; or

(2) a replacement agent is appointed under part 7404.0380.

~~B. C.~~ An existing agent must have an office that complies with this part.

Subp. 2. **Variance; size of office area.** An existing agent may apply to the commissioner for a variance from compliance with subpart 5; if compliance constitutes a substantial hardship.

[For text of item A, see Minnesota Rules]

B. The variance ~~must expire~~ expires upon ~~the an agent's~~ discontinuance, death, retirement, or resignation ~~of the agent;~~ an office closure under part 7404.0500, subpart 4a; or a period specified within the variance, whichever period is less occurs first.

[For text of item C, see Minnesota Rules]

[For text of subpart 3, see Minnesota Rules]

Subp. 4. **Inventory and equipment.** Inventory and equipment must be maintained in a secure manner during and after business hours.

[For text of items A to D, see Minnesota Rules]

E. If equipment or inventory is provided or maintained by the commissioner at an existing office ~~under Minnesota Statutes, section 171.061, subdivision 4, paragraph (b), and the agent dies, retires, or discontinues service~~ or closes the office according to part 7404.0500, subpart 4a, the equipment and inventory must revert to the commissioner unless an agent is appointed to the existing office by the commissioner under parts 7404.0350 and 7404.0360. All offices operated by a county licensing bureau, county, or municipality, with

~~the commissioner's written permission,~~ may retain the equipment and remain in operation during the appointment process.

[For text of items F to I, see Minnesota Rules]

[For text of subpart 5, see Minnesota Rules]

Subp. 6. **Accessibility.** ~~The~~ An office must ~~be accessible to the disabled~~ comply with the Americans with Disabilities Act and state accessibility law.

[For text of subparts 7 and 8, see Minnesota Rules]

7404.0450 REPORTING AND DEPOSITING PRACTICES.

Subpart 1. **Reporting Electronically submitting applications; and fees into driver and vehicle services information system.**

A. A report of the ~~By the end of each working day, an agent must electronically enter all applications collected and all application and reinstatement fees due and owed the state must be transmitted by the agent to the commissioner each day the agent's office is open to the public, before the end of the next working day, in an electronic format or other means approved by the commissioner.~~ as follows:

~~A. (1) The report must~~ for each application:

~~(1)~~ (a) indicate the applicant's full name and date of birth; or the applicant's Minnesota driver's license, permit, or state identification card number;

~~(2)~~ (b) specify the type of application;

~~(3)~~ (c) list the application and reinstatement fees collected; and

~~(4)~~ (d) include the completed ~~applications.~~ application;

~~B. (2) The report must contain~~ include a financial statement listing the total amount of application and reinstatement fees collected and deposited under subparts 2 and

~~2a. The financial statement must provide the office location identification number, report number, report date, and total amount of the deposit for that report.; and~~

(3) include the agent's credit card and debit card transactions for application and reinstatement fees.

~~C. The report must be transmitted or delivered to the commissioner, before the end of the next working day following the collection of any applications or fees, by electronic transfer or other alternative means approved by the commissioner.~~

~~D. All applications and fees collected in an agent's office must be included on the report for the day the applications and fees were collected in the office.~~

~~E. A minimum of one summary report must be completed for all applications and fees collected during each working day.~~

~~F. More than one report may be submitted for a working day with prior approval from the commissioner.~~

~~G. If an agent's office does not collect any applications or fees on a working day the office is scheduled to be open, a report must still be filed with the commissioner indicating that no applications or fees were collected that day.~~

~~H. B. Supporting documents for applications listed on the report must be delivered electronically by the end of each working day or within five working days by other means approved by the commissioner such as:~~

- ~~(1) United States mail;~~
- ~~(2) a package delivery service;~~
- ~~(3) electronic transfer;~~
- ~~(4) (3) hand delivery; or~~

~~(5)~~ (4) another method approved by the commissioner.

~~I. An agent must file with the commissioner reports of the agent's credit card and debit card transactions for application and reinstatement fees.~~

C. For purposes of this chapter, "application and reinstatement fees" includes fees for all other transactions under this chapter.

Subp. 1a. **Processing Maintaining credit card and debit card transactions receipts.**

~~A. At the daily close of office records on each working day, the agent shall settle the batch containing all credit card and debit card transactions conducted that day according to procedures prescribed by the commissioner.~~

~~B. The An agent shall store must maintain all signed merchant copies of the credit card and debit card receipts for the transaction amount and the convenience fee at the agent's office location and shall maintain all signed merchant copies of the credit card and debit card receipts for the transaction amount and the convenience fee according to subpart 3.~~

[For text of item C, see Minnesota Rules]

Subp. 2. **Depositing application fees.** ~~Before~~ By the end of each working day, ~~each~~ an agent shall must deposit an amount equal to the total of all application and reinstatement fees collected the previous working day, excluding the filing fees collected under Minnesota Statutes, section 171.061, subdivision 4.

~~A. The An agent shall must make all deposits according to the requirements in~~ subpart 2a.

~~B. The amount listed for~~ A deposit must:

(1) include the total of all application and reinstatement fees collected ~~must;~~

(2) cover any shortages or include any overages for any applications processed and stamped as paid, ~~including;~~ and

(3) include any unsettled credit card and debit card transactions.

[For text of items C to E, see Minnesota Rules]

F. If an agent is unable to make a deposit under this subpart or the deposit does not match the amount owed, the agent must:

(1) immediately notify the commissioner in writing but no later than by the end of the next working day; and

(2) explain why the agent was unable to make a deposit or why the deposit does not match the amount owed.

Subp. 2a. **Reporting deposits to commissioner.** ~~On the date the deposit of fees is due, the agent shall ensure that a financial statement of the deposits made is reported to the commissioner according to the procedures and in a format as specified in this part.~~

[For text of items A to C, see Minnesota Rules]

D. Any funds collected on a working day ~~in excess of~~ more than the total fees listed ~~on the report described~~ in subpart 1, minus filing fees and imprest cash, must be deposited as application or reinstatement fees.

[For text of subpart 2b, see Minnesota Rules]

Subp. 2c. **Reporting and responding to discrepancies in deposits.**

A. An agent must immediately notify the commissioner in writing but no later than by the end of the next working day if the agent believes that a discrepancy in a deposit, or that the information entered under subpart 1, is false, misleading, or fraudulent or otherwise constitutes an intentional misrepresentation.

B. Whether or not the commissioner is notified under item A, the commissioner must notify an agent in writing if the commissioner has sufficient cause to believe that there is a discrepancy with the agent's deposit. Upon notification, the agent must:

(1) respond to the commissioner in writing by the end of the next working day; and

(2) take any commissioner-required action that is needed to correct the discrepancy and ensure compliance with this chapter.

Subp. 3. **Maintaining records.** ~~At the agent's office, the~~ An agent shall keep ~~must maintain at the agent's office~~ complete records for deposits made to approved state depositories and the ~~daily reports prepared~~ documentation for information entered under subpart 1.

[For text of items A to C, see Minnesota Rules]

[For text of subparts 3a and 4, see Minnesota Rules]

Subp. 4a. **Late payment charge; calculation.** For each subsequent violation of subpart 2 or 2a, the commissioner ~~shall~~ must impose a late payment charge of \$30 or an amount computed by the following formula, whichever is greater.

[For text of items A and B, see Minnesota Rules]

C. In determining the number of calendar days that a deposit ~~or report~~ is late, weekends and holidays ~~shall be~~ are included only if the deposit is ~~determined by the commissioner to be~~ already at least two calendar days late.

D. The commissioner ~~shall~~ must continue to impose ~~monthly~~ late payment charges until the agent no longer is in violation of this part.

[For text of subparts 5 to 8, see Minnesota Rules]

7404.0500 GENERAL OPERATING PRACTICES.

[For text of subparts 1 to 1b, see Minnesota Rules]

Subp. 2. **Days and hours of operation.** An agent's office must be open to the public at least 40 hours each business week unless the commissioner grants a variance under subpart 3. For purposes of this part, "business week" means Monday through Friday and includes a work week under subpart 4.

[For text of items A to E, see Minnesota Rules]

Subp. 3. **Office 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.~~

[For text of items A to F, see Minnesota Rules]

G. This subpart does not apply to an office that permanently closes under subpart 4a.

[For text of subpart 4, see Minnesota Rules]

Subp. 4a. **Permanent closure.**

A. An agent must notify the commissioner in writing at least 30 days before the agent plans to permanently stop offering services at an office and to close the office. The agent must provide the following information in the notice:

(1) if the office is administered by a county or municipality, a copy of the governing body's meeting minutes or resolution or other legal evidence of the governing body approving the agent's plan to permanently close; and

(2) if the office is administered by a corporation under chapter 7406, a statement of the agent's intent to permanently close without finding a replacement agent.

B. Upon being notified and receiving the information under this subpart, the commissioner must publish a notice of vacancy in accordance with part 7404.0380.

[For text of subparts 5 to 11, see Minnesota Rules]

7404.0800 ACTIONS FOR FAILURE TO COMPLY WITH LAWS ~~OR RULES~~.

Subpart 1. Cause for discontinuance. The failure of an agent or an agent's employee ~~of an agent~~ to comply with applicable laws ~~or rules governing the appointment of on~~ appointing an agent and ~~the operation of~~ operating an office is cause for discontinuance of the agent appointment using the grounds specified for a deputy registrar under parts 7406.0900 to 7406.1000 ~~and following the procedures specified in parts 7406.1100 to 7406.2600.~~

Subp. 2. Correction order. The commissioner may issue a correction order ~~according to the procedures in~~ in accordance with subpart 3 and part 7406.1000, subpart 3.

Subp. 3. Grounds for discontinuance or correction order. The grounds for discontinuance of an agent appointment or issuance of a correction order ~~as specified in~~ under part 7406.1000 also include:

[For text of items A to G, see Minnesota Rules]

7406.0100 DEFINITIONS.

[For text of subparts 1 to 9b, see Minnesota Rules]

Subp. 10. Corporation. "Corporation" means a corporation governed ~~by~~ under Minnesota Statutes, chapter 302A or 317A.

[For text of subparts 11 to 25, see Minnesota Rules]

Subp. 26. Underserved. "Underserved" means having inequitable access to an office such that a new deputy registrar or new office location is needed to:

- A. meet an emerging or demonstrated need for an office;
- B. address an emerging or demonstrated population need; or
- C. improve public access or service delivery.

**7406.0300 PROPOSING OFFICE LOCATION FOR DEPUTY REGISTRAR OFFICE
LOCATION.**

[For text of subparts 1 to 1a, see Minnesota Rules]

Subp. 2. **Other areas.** In all other municipalities not included in subpart 1 or 1a, the conditions ~~listed~~ in items A to E must be met before a proposed office location is considered.

A. The proposed office location must not be located within a ~~15-mile~~ 25-mile radius of an existing office, except that:

[For text of subitems (1) and (2), see Minnesota Rules]

[For text of items B to E, see Minnesota Rules]

Subp. 3. Proposed office location under competitive bidding process.

A. This subpart applies only when:

(1) the commissioner is appointing a replacement deputy registrar under part 7406.0365; and

(2) the existing office is unavailable.

B. A proposed office location under this subpart must:

(1) be in the same county and municipality as the existing office; and

(2) adhere to the distance requirements under subpart 1, item A; 1a, item A; or 2, item A.

C. When an applicant is applying under part 7406.0365 for an existing office that is unavailable, the applicant must notify other deputy registrar offices within a 30-mile radius of the applicant's proposed office location in writing. Within 14 days after being notified, a deputy registrar may submit to the commissioner any written comments supporting or opposing the proposed office location.

D. For purposes of this subpart, "existing office" has the meaning given in part 7406.0365, subpart 3, item B.

7406.0310 OFFICE LOCATION CONSIDERATIONS.

Subpart 1. Factors considered.

A. Before appointing a deputy registrar, the commissioner must approve a proposed location for a deputy registrar office.

B. In addition to the information and conditions ~~specified in~~ under part 7406.0300, the commissioner ~~shall~~ must consider the following factors ~~described in this part~~ when ~~considering~~ evaluating a proposed office location:

- ~~A.~~ (1) the accessibility of the office location to the public;
- ~~B.~~ (2) the cost to the state to audit, monitor, and train the deputy registrar and staff at the office; and
- ~~C.~~ (3) whether the office location will best serve the public convenience.

Subp. 2. ~~Disapproval of~~ Denying proposed office location.

A. ~~If a request for an~~ the commissioner denies a proposed office location ~~is not approved under part 7406.0300,~~ the commissioner ~~shall~~ must notify the individual proposing the office location in writing ~~and provide a statement of the reason for the disapproval. The statement must notify the individual that, within 30 days from the day the notice was mailed, the individual may appeal the disapproval to the Office of Administrative Hearings for a contested case hearing under Minnesota Statutes, chapter 14, if a factor in subpart 1 was cited for disapproval and disapproval was not due to a failure to meet the distance or transaction requirements for office location.~~ explaining:

- (1) why the proposed office location was denied;
- (2) any action required to correct the reason for denial; and

(3) that the individual may request the commissioner to reconsider the denial:

(a) within 15 days after the notice date;

(b) by explaining why the commissioner should approve the proposed office location; and

(c) by including in the response any documents or evidence supporting the reconsideration request.

B. Upon receiving a timely written response under item A, the commissioner must:

(1) review the response to determine whether to affirm the denial; and

(2) notify the individual of the commissioner's determination within 15 days after receiving the reconsideration request.

C. A commissioner determination under this subpart is final and not subject to a contested case hearing under Minnesota Statutes, chapter 14.

7406.0330 ~~MOVE OF~~ MOVING EXISTING OFFICE LOCATION.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. ~~Right to review of commissioner's decision~~ Reconsideration request.

A. A deputy registrar may contest the denial of a variance of the commissioner denial by requesting a hearing. The deputy registrar shall submit, filing a written reconsideration request to the commissioner:

(1) within 15 days of the receipt of after the commissioner's dated decision; a request for a hearing. The request for a hearing must set forth in detail the reasons;

(2) that explains why the deputy registrar contends the decision of the commissioner should be reversed. The hearing must follow the hearing procedures in parts 7406.1100 to 7406.2500. approve the variance; and

(3) that includes in the response any documents or evidence supporting the reconsideration request.

B. Upon receiving a timely written response under item A, the commissioner must:

(1) review the response to determine whether to affirm the denial; and

(2) notify the deputy registrar in writing of the commissioner's determination within 15 days after receiving the reconsideration request.

C. A commissioner determination under this subpart is final and not subject to a contested case hearing under Minnesota Statutes, chapter 14.

7406.0350 COUNTY OFFICIAL AS DEPUTY REGISTRAR; ~~PROCEDURE.~~

[For text of subparts 1 to 5, see Minnesota Rules]

Subp. 6. **Change in county auditor appointment.** Except as provided under part 7406.0500, subpart 2c, a county auditor appointed as a deputy registrar ~~shall~~ must notify the commissioner; in writing; within ten days ~~of~~ after vacating the county auditor office. If the county auditor position is vacated upon the death of a county auditor, a county official authorized by the county board must notify the commissioner in writing within ten days ~~of~~ that after the vacancy occurs.

[For text of subpart 7, see Minnesota Rules]

7406.0355 CITY OFFICIAL AS DEPUTY REGISTRAR.

Subpart 1. **In general.** If ~~the~~ a county board declines to designate a deputy registrar for appointment to administer the approved office location under part ~~7405.0350~~ 7406.0350,

subpart 2, or ~~the~~ a county auditor fails to provide timely notice to the commissioner under part 7406.0350, subpart 3, the commissioner ~~shall~~ must extend the next consideration for appointment of a deputy registrar at an approved office location to the city where the approved office location is located.

[For text of subparts 2 to 4, see Minnesota Rules]

7406.0360 DEPUTY REGISTRAR APPOINTMENT BY COMMISSIONER.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Application for appointment.** An application for a deputy registrar appointment, including an appointment under part 7406.0365, must be submitted to the commissioner on a form provided ~~or approved~~ by the commissioner and ~~must~~ contain the following information:

[For text of items A to J, see Minnesota Rules]

K. ~~the~~ a notarized signature of each person named on the application, ~~verifying~~ attesting that the information on the application is true. ~~The signatures must be notarized.~~

[For text of subparts 5 to 7, see Minnesota Rules]

7406.0365 COMPETITIVE BIDDING PROCESS FOR REPLACING DEPUTY REGISTRAR AND CLOSING AN OFFICE.

Subpart 1. **Applicability.** Notwithstanding any other rule, this part applies in accordance with Minnesota Statutes, section 168.33, subdivision 8b, only when a deputy registrar has permanently stopped offering services at an office and has permanently closed the office.

Subp. 2. **Notifying public of office closure.** Within 60 days after being notified under part 7406.0500, subpart 2c, the commissioner must publish notice of the deputy registrar

vacancy for the existing office in a qualified newspaper in the county where the approved office location is located.

Subp. 3. Notice of vacancy.

A. The notice of vacancy must:

(1) state that there is a vacancy and that applicants may apply to become a replacement deputy registrar at the existing office that is vacant;

(2) detail one of the following:

(a) if the existing office will be available for an applicant to continue to provide services at the existing office in accordance with this chapter:

i. describe the existing office's location; and

ii. state that the applicant must continue to offer services at the existing office; or

(b) if the existing office will be unavailable, state that an applicant must provide a proposed office location according to part 7406.0300, subpart 3, item B;

(3) state the commissioner's intent to appoint a deputy registrar according to subpart 6;

(4) state the applicant's responsibility to offer services in accordance with this chapter;

(5) list the requirements under subpart 4;

(6) list the commissioner's authority under statute and rule to make the appointment, including a statement that the commissioner must not give preference to:

(a) any county or municipality; and

(b) applicants according to Minnesota Statutes, section 168.33, subdivision 8b, paragraph (b); and

(7) state that an applicant must apply within 14 days after the notice is published.

B. For purposes of this subpart and subpart 4 and notwithstanding part 7406.0100, subpart 15, "existing office" means the office location of the deputy registrar closing an office under part 7406.0500, subpart 2c.

Subp. 4. **Application requirements.**

A. Part 7406.0360, subparts 4 and 6, relating to an application, applies to the extent consistent with this part.

B. An applicant must submit a written plan that describes the following:

(1) if the existing office is available:

(a) how continuing to offer services at the existing office will affect other offices located in the same county or municipality; and

(b) the public benefits of continuing to offer services at the existing office;

(2) if the existing office is unavailable:

(a) the proposed office location in accordance with part 7406.0300, subpart 3, item B;

(b) the distance of the proposed office location from the existing office and how the proposed office location serves the same community or neighborhood;

(c) the accessibility of the proposed office location to the public and how the proposed office location will best serve the public convenience;

(d) the information under part 7406.0330, subpart 2, items D, G, and H;
and

(e) the applicant's plans to notify other deputy registrar offices of the applicant's proposed office location according to part 7406.0300, subpart 3, item C;

(3) a service plan that details:

(a) the applicant's ability to offer services at the existing office or proposed office location;

(b) the applicant's proposed days and hours of operation in compliance with part 7406.0500, subpart 2; and

(c) the existing office's or proposed office location's accessibility under the Americans with Disabilities Act and state accessibility law;

(4) the number of anticipated staff;

(5) the applicant's commitment to underserved populations, including:

(a) any plan to notify underserved populations in the county or municipality of the office and the office's services;

(b) any planned partnerships with counties, municipalities, or other persons to help notify underserved populations under unit (a); and

(c) a plan explaining how applications will be equitably accepted and processed; and

(6) any other information requested by the commissioner if needed to determine compliance with this part or Minnesota Statutes, section 168.33.

Subp. 5. **Commissioner denial.** Part 7406.0360, subpart 7, applies to the extent consistent with this part.

Subp. 6. Reviewing applications and appointing replacement deputy registrar.

A. Within 60 days after timely receiving all completed applications, the commissioner must review the applications for compliance with subpart 4 to determine which application will best serve the public convenience.

B. An applicant who receives the highest score must pass a criminal history check under part 7406.0360, subpart 4, item J. If the highest-scoring applicant fails the criminal history check, the commissioner must appoint the next highest-scoring applicant according to part 7406.0370, subject to passing the criminal history check.

C. The commissioner must continue to appoint the next highest-scoring applicant to fill the vacancy, subject to passing the criminal history check under item B, until the appointment is filled.

D. The commissioner must not appoint an applicant proposing a new office location as a deputy registrar unless the location complies with part 7406.0300, subpart 3, item B.

Subp. 7. **No qualified applications; appointment reverts to commissioner.** An appointment of a closed office under this part and all state-provided inventory or property revert to the commissioner if the commissioner does not receive any applications for the office or any applications that comply with this part.

Subp. 8. Applicability of other rule parts. Unless otherwise specified:

A. parts 7406.0300 to 7406.0360 do not apply to a deputy registrar being appointed under this part; and

B. parts 7406.0370 to 7406.1000 apply to a deputy registrar appointed under this part.

7406.0370 CERTIFICATE OF APPOINTMENT OF ~~DEPUTY REGISTRAR.~~

Subpart 1. **In general.** An appointment must be based ~~upon~~ on:

- A. information ~~contained~~ in the application, ~~interviews,~~
 - B. if replacing a deputy registrar under part 7406.0365, the information in the application and the commissioner's review under part 7406.0365, subparts 4 and 6, respectively;
 - C. an interview;
 - D. an inspection of the proposed office location for compliance with this chapter;
- and
- E. any other ~~relevant~~ information or documentation requested by the commissioner if needed to make an appointment in accordance with this chapter and Minnesota Statutes, section 168.33.

Subp. 2. **Certificate of appointment.** ~~In connection with the appointment as a deputy registrar, Subject to subpart 1, the commissioner must sign and execute a certificate of appointment with the individual, public official, or corporate officer shall execute a certificate of appointment with the commissioner~~ appointed as a deputy registrar.

[For text of items A to C, see Minnesota Rules]

D. The commissioner ~~shall withdraw~~ must discontinue an ~~offer of~~ appointment if the ~~appointed~~ deputy registrar fails to provide an operational office ~~that meets the requirements of under~~ this chapter within 12 months ~~of after~~ the ~~date of~~ initial appointment ~~by the commissioner~~ date.

Subp. 3. **County appointment of private party.**

[For text of item A, see Minnesota Rules]

B. Except as provided in part 7406.0365, the appointment of a deputy registrar reverts to the commissioner if a:

(1) the deputy registrar appointed by a county auditor dies or discontinues service;² or if

(2) the county auditor or board discontinues the appointment,~~the appointment of the deputy registrar reverts to the commissioner.~~

7406.0380 BOND.

If a deputy registrar appointed under this chapter is not an official or clerk of a county or city, the deputy registrar must provide a continuous surety bond to the state to cover the motor vehicle taxes and fees collected on behalf of the commissioner.

[For text of items A and B, see Minnesota Rules]

C. If the deputy registrar is ~~also~~ an agent for the Minnesota Department of Natural Resources, the deputy registrar's bond with the commissioner must specify that it only covers motor vehicle transactions under Minnesota Statutes, chapters 168, 168A, ~~168C~~, and 297B.

D. ~~Beginning July 1, 2004,~~ The bond for all motor vehicle transactions of the Department of Public Safety:

[For text of subitems (1) and (2), see Minnesota Rules]

[For text of items E to G, see Minnesota Rules]

7406.0400 ~~DEPUTY REGISTRAR~~ OFFICE REQUIREMENTS.

Subpart 1. **In general.** Any proposed, approved, or existing office location must comply with subparts 2 to 7. Existing offices that are not in compliance with subparts 4 and 7 on July 1, 1996, may be granted a variance by the commissioner under subpart 1a this part.

Subp. 1a. **Variance.** ~~An existing deputy registrar may apply to the commissioner for a variance from complying with subparts 4 and 7 if compliance would be a substantial~~

~~hardship for the deputy registrar. A deputy registrar may apply for a variance by submitting a written request, on a form prescribed by the commissioner, to the commissioner within six months of July 1, 1996. The commissioner shall consider the following factors when reviewing the deputy registrar's request for a variance:~~

~~A. the subpart from which the variance is requested and why the office does not meet the requirements of the subpart;~~

~~B. the options available to the deputy registrar to bring the office into compliance with the subparts;~~

~~C. the financial cost for meeting the options listed in item B, estimated with reasonable efforts; and~~

~~D. other information requested by the commissioner or supplied by the deputy registrar.~~

A variance granted under this subpart before February 1, 1997, expires as follows:

A. for a corporate deputy registrar:

(1) upon the death or retirement of an individual appointed as a deputy registrar, the sale or dissolution of a the corporate deputy registrar, or the revocation or resignation of any the deputy registrar appointment; or

(2) if the deputy registrar office moves, any variances granted with respect to the office space requirements of subparts 4 and 7 expire; and

B. The commissioner's decision and the right to review of the commissioner's decision must follow the procedures in part 7406.0330, subparts 3 and 4. for an individual appointed as a deputy registrar, if the deputy registrar office moves.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. **Accessibility.** ~~The~~ An office must ~~be accessible to the disabled in compliance with state and federal laws and regulations~~ comply with the Americans with Disabilities Act and state accessibility law.

[For text of subparts 6 and 7, see Minnesota Rules]

7406.0450 REPORTING AND DEPOSITING PRACTICES.

Subpart 1. [See repealer.]

Subp. 1a. ~~Processing~~ Maintaining credit card and debit card transactions receipts.

~~A. At the daily close of office records on each working day, the deputy registrar shall settle the batch containing all credit card and debit card transactions conducted that day according to procedures prescribed by the commissioner.~~

B. ~~The~~ A deputy registrar ~~shall store~~ must maintain all signed merchant copies of the credit card and debit card receipts for the transaction amount and the convenience fee ~~at the office location and shall maintain all signed merchant copies of the credit card and debit card receipts according to subpart 4.~~

[For text of item C, see Minnesota Rules]

Subp. 2. ~~Reporting~~ Electronically submitting registrations, fees, and taxes into driver and vehicle services information system.

~~A. A report of the~~ By the end of each working day, a deputy registrar must electronically enter all motor vehicle fees and taxes collected and the motor vehicle transactions collected for the department each working day must be transmitted by the deputy registrar to the commissioner according to the procedures specified in this part and in an electronic format or other alternative means prescribed or approved by the commissioner. The report must include as follows:

~~A.~~ (1) list the names of the parties of the collected transactions, excluding the names of parties applying solely for renewal;

~~B.~~ (2) list the type of transaction;

~~C.~~ (3) list the ~~listing~~ of motor vehicle fees and taxes collected for the department on that day;

~~D.~~ (4) include the completed motor vehicle documents and required information for the transactions ~~as specified by the commissioner~~; and

~~E.~~ (5) include a financial statement listing the total amount of motor vehicle fees and taxes collected, deposited, and reported under subparts 3 and 3a; and

~~(1) The financial statement must provide the office location identification number, report number, report date, and the total amount of the deposit for that report.~~

~~(2) All transactions, motor vehicle fees, and taxes collected in an office must be included on the report for the day the transaction, motor vehicle fees, and taxes were collected in the office.~~

~~(3) A minimum of one report must be completed for all transactions, motor vehicle fees, and taxes collected during each working day.~~

~~(4) More than one report may be submitted for a working day with prior approval from the commissioner.~~

~~(5) If an office does not collect any transactions, motor vehicle fees, or taxes on a working day the office is scheduled to be open, a report must still be filed with the commissioner indicating that no transactions, motor vehicle fees, or taxes were collected for that day.~~

~~(6) The report must be transmitted or delivered to the commissioner before the end of the next working day following the receipt of the documents, motor vehicle fees, and taxes by electronic transfer or other alternative means approved by the commissioner.~~

(6) include the deputy registrar's credit card transactions for motor vehicle fees and taxes.

B. (7) Supporting documents for transactions listed on the report must be delivered either electronically by the end of each working day or within five working days by:

(1) United States mail, by;

(2) a package delivery service, by;

(3) hand delivery; or by

(4) other means approved by the commissioner.

~~(8) A deputy registrar must file with the commissioner, on a form and in a manner as the commissioner may require, reports of the deputy registrar's credit card transactions for motor vehicle fees and taxes.~~

Subp. 2a. **Processing and reporting incomplete motor vehicle transactions.** The processing and reporting requirements specified in this subpart must be met if an incomplete transaction is received by a deputy registrar.

A. ~~The~~ An incomplete transaction must not be ~~listed on the daily report for the office entered~~ until all motor vehicle fees and taxes are collected for the transaction.

[For text of item B, see Minnesota Rules]

C. State fees and taxes must not be deposited or ~~reported~~ entered before the time of collection for the transaction.

[For text of items D to G, see Minnesota Rules]

Subp. 3. **Depositing motor vehicle fees and taxes.**

A. ~~Before~~ By the end of each working day, ~~each~~ a deputy registrar ~~shall~~ must deposit an amount equal to the total of all motor vehicle fees and taxes collected the previous working day according to ~~the requirements in~~ subpart 3a. The amount listed for the total of all motor vehicle fees and taxes collected must cover any shortages or include any overages for any motor vehicle transactions collected and stamped as paid, including any unsettled credit card and debit card transactions.

[For text of items B to D, see Minnesota Rules]

E. If a deputy registrar is unable to make a deposit under this subpart or the deposit does not match the amount owed, the deputy registrar must:

(1) immediately notify the commissioner in writing but no later than by the end of the next working day; and

(2) explain why the deputy registrar is unable to make a deposit or why the deposit does not match the amount owed.

Subp. 3a. **Reporting deposits to commissioner.** On the date that the deposit of motor vehicle fees and taxes are due, the deputy registrar ~~shall~~ must ensure that a financial statement of the deposits made ~~are reported to the commissioner according to the procedures and in a format specified in this part~~ is entered according to subpart 2.

[For text of items A to C, see Minnesota Rules]

D. Any funds collected on a working day ~~in excess of~~ more than the total motor vehicle taxes and fees listed ~~on the report described~~ in subpart 2, minus filing fees and imprest cash, must be deposited as motor vehicle registration tax.

[For text of subpart 3b, see Minnesota Rules]

Subp. 3c. Reporting and responding to discrepancies in deposits.

A. A deputy registrar must immediately notify the commissioner in writing but no later than by the end of the next working day if the deputy registrar believes that a discrepancy in a deposit, or that the information entered under subpart 2, is false, misleading, or fraudulent or otherwise constitutes an intentional misrepresentation.

B. Whether or not the commissioner is notified under item A, the commissioner must notify a deputy registrar in writing if the commissioner has sufficient cause to believe that there is a discrepancy with the deputy registrar's deposit. Upon notification, the deputy registrar must:

(1) respond to the commissioner in writing by the end of the next working day; and

(2) take any commissioner-required action that is needed to correct the discrepancy and ensure compliance with this chapter.

Subp. 4. **Maintaining records.** ~~At the deputy registrar's office, the~~ A deputy registrar must keep maintain at the deputy registrar's office complete records for deposits made to approved state depositories and the daily reports prepared documentation for information entered under subpart 2 for motor vehicle registrations and motor vehicle fees and taxes collected.

[For text of items A and B, see Minnesota Rules]

[For text of subparts 4a and 5, see Minnesota Rules]

Subp. 5a. **Late payment charge; calculation.** For each subsequent violation of subpart 3 or 3a after a warning notice has been issued, the commissioner ~~shall~~ must impose a late payment charge of \$30 or an amount computed by the following formula, whichever is greater.

[For text of item A, see Minnesota Rules]

B. Calendar days late x delinquent amount x daily rate = Late payment charge
where:

(1) calendar days late = actual number of calendar days each deposit ~~or report~~
is delinquent;

(2) delinquent amount = actual amount each deposit ~~or report~~ is delinquent;
and

[For text of subitem (3), see Minnesota Rules]

C. In determining the number of calendar days that a deposit ~~or report~~ is late,
weekends and holidays ~~must be~~ are included only if the deposit ~~or report~~ is determined to
be already at least two calendar days late.

[For text of item D, see Minnesota Rules]

[For text of subparts 6 to 9, see Minnesota Rules]

7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS PRACTICES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. Days and hours of operation.

A. A deputy registrar ~~offices~~ office must be open for business at least 40 hours
during each business week unless the commissioner grants a variance under subpart 2a.
~~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. For purposes of this part, "business week"
means Monday through Friday and includes a work week under subpart 2b.

B. Each deputy registrar ~~shall~~ must 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~~ Closing office; variance procedure.

~~A. 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~~ must submit a written request on a form prescribed by the commissioner. ~~Under the variance procedure;~~ The commissioner ~~shall~~ must consider the following factors before allowing an office to close:

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

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

C. 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.

D. 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.

E. This subpart does not apply to an office that permanently closes under subpart 2c.

[For text of subpart 2b, see Minnesota Rules]

Subp. 2c. **Permanent closure.**

A. A deputy registrar must notify the commissioner in writing at least 30 days before the deputy registrar plans to permanently stop offering services at an office and to close the office. The deputy registrar must provide the following information in the notice:

(1) if the office is administered by a county or municipality, a copy of the governing body's meeting minutes or resolution or other legal evidence of the governing body approving the deputy registrar's plan to permanently close; and

(2) if the office is administered by a corporation, a statement of the deputy registrar's intent to permanently close without finding a replacement deputy registrar.

B. Upon being notified and receiving the information under this subpart, the commissioner must publish a notice of vacancy in accordance with part 7406.0365.

[For text of subparts 3 to 8, see Minnesota Rules]

Subp. 9. **Mail order transaction.** A deputy registrar may mail out inventory to customers upon meeting the conditions in items A to E.

[For text of item A, see Minnesota Rules]

B. The deputy registrar ~~shall~~ must 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~~ with the information entered under part 7406.0450, subpart 2, or ~~other~~ on another report maintained separately by the deputy registrar.

[For text of items C to E, see Minnesota Rules]

[For text of subparts 10 and 11, see Minnesota Rules]

7406.1000 ~~DEPUTY APPOINTMENT~~ SUSPENSION, AND REVOCATION.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Suspension and revocation hearing.**

A. When the commissioner has grounds for ~~revocation or suspension~~ to revoke or suspend an appointment under this part, the commissioner ~~shall conduct a hearing before revoking or suspending a deputy registrar appointment under the procedures in parts 7406.1100 to 7406.2600.~~ must notify the deputy registrar that the commissioner intends to revoke or suspend the deputy registrar's appointment.

B. The notice must:

(1) be in writing;

(2) state why the commissioner intends to revoke or suspend the appointment;

and

(3) inform the deputy registrar that the deputy registrar has 30 days after the dated notice to appeal the commissioner's action by filing a contested case with the Court of Administrative Hearings under Minnesota Statutes, chapter 14.

[For text of subpart 5, see Minnesota Rules]

Subp. 6. **Effect of suspension.** When a deputy registrar appointment is suspended ~~under subpart 1,~~ the deputy registrar ~~shall~~ must surrender all fees and taxes. The commissioner ~~shall~~ must consider the factors in subpart 3 when determining ~~the a~~ a ~~suspension's~~ length, terms, and conditions ~~of the suspension.~~

Subp. 7. ~~Issuance of~~ **Issuing correction order.** The commissioner may issue a correction order for a violation of statute, rule, or law rather than a suspension ~~under subpart 1,~~ after ~~consideration of~~ considering the factors in subpart 3.

[For text of item A, see Minnesota Rules]

B. If the deputy registrar believes that the contents of the commissioner's correction order are in error, the deputy registrar may ask the commissioner to reconsider the parts of the correction order that are alleged to be in error. The request for reconsideration must be in writing and received by the commissioner within ten days ~~of~~ after the ~~date of the~~ dated correction order. The written request for reconsideration must:

[For text of subitems (1) to (3), see Minnesota Rules]

C. A request for reconsideration does not stay any provision or requirement of the correction order. The commissioner ~~shall~~ must respond to requests for reconsideration made under this subpart within 15 working days after ~~receipt of~~ receiving the request for reconsideration.

~~E.~~ D. A deputy registrar who fails to comply with a correction order ~~may be~~ is subject to suspension or revocation of appointment under this part.

TERM CHANGE. The term "licensing agent" is changed to "agent" wherever it appears in Minnesota Rules, chapter 7404.

REPEALER. Minnesota Rules, parts 7406.0450, subpart 1; 7406.1100; 7406.1150; 7406.1200; 7406.1300; 7406.1400; 7406.1500; 7406.1600; 7406.1700; 7406.1800; 7406.1900; 7406.2000; 7406.2100; 7406.2200; 7406.2300; 7406.2400; 7406.2500; and 7406.2600, are repealed.