

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 4046

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 4-11-83
DATE FOR REVIEW 4-20-83
DATE DUE 4-25-83

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 4-25-83 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 4-25-83 Revisor approved 3/25/83
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.17.83 Date

✓ Notice of Intent to Solicit Outside Opinion SR 6.21.82

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
1.27.83 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
1.31.83 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : Paul J. Tschida, Commissioner of Public Safety

DATE: April 25, 1983

Attn: JAMES B. EARLY
Special Assistant Attorney General

FROM : TED A. MARTINEZ TAM
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Appointment and Operating Requirements of Deputy Registrar Offices.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
TAM/ls

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Public Safety
Driver and Vehicle Services Division

Adopted Rules Governing the Appointment and Operating Requirements of Deputy Registrar Offices

Rules as Adopted

11 MCAR S 1.6120 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.6120-1.6125 is to carry out the mandate of the legislature as set forth in Minnesota Statutes, section 168.33 with respect to the appointment and regulation of motor vehicle deputy registrars.

B. Scope. The scope of 11 MCAR SS 1.6120-1.6125 is intended to be confined within the framework of and to be consistent with Minnesota Statutes, chapters 168 and 168A.

11 MCAR S 1.6121 Definitions.

For the purposes of 11 MCAR SS 1.6120-1.6125, the following terms have the meanings given them.

A. Registrar. "Registrar" has the meaning given it in Minnesota Statutes, section 168.011, subdivision 18.

B. Application. "Application" has the meaning given "application for registration" in Minnesota Statutes, section 168.011, subdivision 2, and includes a reapplication.

C. Metropolitan area. "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

11 MCAR S 1.6122 Criteria for establishing a new office or a new deputy registrar appointment.

A. Within the metropolitan area and in cities of over 50,000 population. The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed:

1. The estimated number of applications that a new deputy registrar office will process annually must be at least 20,000. The number of applications will be estimated as follows: 40 percent of the applications processed within the preceding year

by existing deputy registrar offices located within a four-mile radius of the proposed new office or 25 percent of the applications processed within the preceding year by existing deputy registrars within six miles of the proposed new office, whichever is the larger.

2. The proposed new office must not be located within three miles of an existing deputy registrar office.

B. Other areas. In all other cities not included in A., the following conditions must be met before a new deputy registrar office is approved:

1. The estimated number of applications that a new deputy registrar office will process annually must be at least ~~5,000.~~ 4,000. The number of applications will be estimated as follows: 20 percent of the applications processed within the preceding year by existing deputy registrar offices located within 20 miles of the proposed new office, or, if there is no existing deputy registrar office located within 20 miles of the proposed new office, the total number of new car sales, multiplied by four, made by all new car dealers within 25 miles of the proposed new office as determined by a survey taken by the registrar, plus one-half the population of all towns and cities that are closer to the new proposed office than to any existing deputy registrar office.

2. The proposed new office must not be located within 15 miles or 25 minutes driving time of an existing deputy registrar office, except in cities having a population of 25,000 to 50,000.

3. The proposed new office must not be located in a city of less than 25,000 population if there is an existing deputy registrar office in that city.

4. The proposed new office must not be located in a city having a population of 25,000 to 50,000 unless there are less than two existing deputy registrar offices in that city.

11 MCAR S 1.6123 Deputy registrar office requirements.

A. Generally. Any new office or change in location must comply with B.-G.

B. Exclusive area. A deputy registrar office must contain

an area or room used exclusively for processing applications. It may not be used for living space or for transacting any other business. A counter or divider must be installed within the exclusive area or room to separate the public from the deputy registrar and employees.

C. Security. The following security requirements must be provided:

1. The office must contain a secured area to store plates and stickers.

2. The office must contain a security safe or vault.

D. Size of exclusive area. The size of the exclusive area or room is based on the projected estimated number of applications that will be processed annually by the deputy registrar.

1. If the projected estimated number of applications to be processed annually is between 5,000 and 8,000, the exclusive area or room must contain a minimum of 300 square feet.

2. If the projected estimated number of applications to be processed annually exceeds 8,000, the exclusive area or room must contain a minimum of 400 square feet.

E. Accessibility. The office must be accessible to the handicapped.

F. Identification. An outdoor sign must be prominently displayed to identify the office.

G. Conflicting business interests. A deputy registrar office may not be operated in conjunction with the sale of motor vehicles or automobile insurance.

11 MCAR S 1.6124 General operating rules for deputy registrars.

A. Sole operator. A deputy registrar must manage the office in accordance with the following:

1. Except for publicly operated and American Automobile Association deputy registrar offices, a deputy registrar must be the principal person in charge of the office and must actively participate in the processing of applications.

2. Except for publicly operated and American Automobile Association deputy registrar offices, a deputy registrar may not

delegate to another person the authority or responsibility of operating the office. The deputy must be in the office operating it on a full-time basis.

B. Hours. Deputy registrar offices must be open for business at least 40 hours during each normal workweek.

C. Solicitation. Deputy registrars may not solicit or seek to provide service beyond 75 percent of the distance between his or her office and the office of another deputy registrar.

D. Location. A deputy registrar appointment is for operating an office in the specific location named by the registrar. A deputy registrar may not change the office location without the approval of the registrar.

E. Filing fees. Filing fees must be governed by the following requirements:

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

2. No additional fee may be charged for a correction required in a previously submitted application if the error requiring the correction was made by the registrar, a member of the registrar's staff, or by a deputy registrar or employee of a deputy registrar.

11 MCAR S 1.6125 Penalty.

The registrar shall revoke the appointment of any deputy registrar who violates any requirement of Minnesota Statutes, section 168.33 or 11 MCAR SS 1.6120-1.6125, unless the violation is corrected or discontinued or any deficiency supplied within 30 days after the registrar has given notice to the deputy registrar of the violation. Notice shall be given by certified mail.

APPROVED AS TO LEGALITY

April 25 19 83

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Ted A. Mathews
SPECIAL ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF STATE
FILED
APR 27 1983
Joan Anderson Growe
Secretary of State

9:38 AM

Rules as Proposed (all new material)

11 MCAR S 1.6120 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.6120-1.6125 is to carry out the mandate of the legislature as set forth in Minnesota Statutes, section 168.33 with respect to the appointment and regulation of motor vehicle deputy registrars.

B. Scope. The scope of 11 MCAR SS 1.6120-1.6125 is intended to be confined within the framework of and to be consistent with Minnesota Statutes, chapters 168 and 168A.

11 MCAR S 1.6121 Definitions.

For the purposes of 11 MCAR SS 1.6120-1.6125, the following terms have the meanings given them.

A. Registrar. "Registrar" has the meaning given it in Minnesota Statutes, section 168.011, subdivision 18.

B. Application. "Application" has the meaning given "application for registration" in Minnesota Statutes, section 168.011, subdivision 2, and includes a reapplication.

C. Metropolitan area. "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

11 MCAR S 1.6122 Criteria for establishing a new office or a new deputy registrar appointment.

A. Within the metropolitan area and in cities of over 50,000 population. The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed:

1. The estimated number of applications that a new deputy registrar office will process annually must be at least 20,000. The number of applications will be estimated as follows: 40 percent of the applications processed within the preceding year by existing deputy registrar offices located within a four-mile radius of the proposed new office or 25 percent of the applications processed within the preceding year by existing deputy registrars within six miles of the proposed new office, whichever is the larger.

2. The proposed new office must not be located within

AS REVISED IN THE REVISOR OF STATUTES OFFICE

three miles of an existing deputy registrar office.

B. Other areas. In all other cities not included in A., the following conditions must be met before a new deputy registrar office is approved:

1. The estimated number of applications that a new deputy registrar office will process annually must be at least 5,000. The number of applications will be estimated as follows: 20 percent of the applications processed within the preceding year by existing deputy registrar offices located within 20 miles of the proposed new office, or, if there is no existing deputy registrar office located within 20 miles of the proposed new office, the total number of new car sales, multiplied by four, made by all new car dealers within 25 miles of the proposed new office as determined by a survey taken by the registrar, plus one-half the population of all towns and cities that are closer to the new proposed office than to any existing deputy registrar office.

2. The proposed new office must not be located within 15 miles or 25 minutes driving time of an existing deputy registrar office, except in cities having a population of 25,000 to 50,000.

3. The proposed new office must not be located in a city of less than 25,000 population if there is an existing deputy registrar office in that city.

4. The proposed new office must not be located in a city having a population of 25,000 to 50,000 unless there are less than two existing deputy registrar offices in that city.

11 MCAR S 1.6123 Deputy registrar office requirements.

A. Generally. Any new office or change in location must comply with B.-G.

B. Exclusive area. A deputy registrar office must contain an area or room used exclusively for processing applications. It may not be used for living space or for transacting any other business. A counter or divider must be installed within the exclusive area or room to separate the public from the deputy registrar and employees.

C. Security. The following security requirements must be

APPROVED IN THE REVISOR OF STATUTES OFFICE BY

provided:

1. The office must contain a secured area to store plates and stickers.

2. The office must contain a security safe or vault.

D. Size of exclusive area. The size of the exclusive area or room is based on the projected estimated number of applications that will be processed annually by the deputy registrar.

1. If the projected estimated number of applications to be processed annually is between 5,000 and 8,000, the exclusive area or room must contain a minimum of 300 square feet.

2. If the projected estimated number of applications to be processed annually exceeds 8,000, the exclusive area or room must contain a minimum of 400 square feet.

E. Accessibility. The office must be accessible to the handicapped.

F. Identification. An outdoor sign must be prominently displayed to identify the office.

G. Conflicting business interests. A deputy registrar office may not be operated in conjunction with the sale of motor vehicles or automobile insurance.

11 MCAR S 1.6124 General operating rules for deputy registrars.

A. Sole operator. A deputy registrar must manage the office in accordance with the following:

1. Except for publicly operated and American Automobile Association deputy registrar offices, a deputy registrar must be the principal person in charge of the office and must actively participate in the processing of applications.

2. Except for publicly operated and American Automobile Association deputy registrar offices, a deputy registrar may not delegate to another person the authority or responsibility of operating the office. The deputy must be in the office operating it on a full-time basis.

B. Hours. Deputy registrar offices must be open for business at least 40 hours during each normal workweek.

C. Solicitation. Deputy registrars may not solicit or seek

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

to provide service beyond 75 percent of the distance between his or her office and the office of another deputy registrar.

D. Location. A deputy registrar appointment is for operating an office in the specific location named by the registrar. A deputy registrar may not change the office location without the approval of the registrar.

E. Filing fees. Filing fees must be governed by the following requirements:

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

2. No additional fee may be charged for a correction required in a previously submitted application if the error requiring the correction was made by the registrar, a member of the registrar's staff, or by a deputy registrar or employee of a deputy registrar.

11 MCAR S 1.6125 Penalty.

The registrar shall revoke the appointment of any deputy registrar who violates any requirement of Minnesota Statutes, section 168.33 or 11 MCAR SS 1.6120-1.6125, unless the violation is corrected or discontinued or any deficiency supplied within 30 days after the registrar has given notice to the deputy registrar of the violation. Notice shall be given by certified mail.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD230

Agency: Department of Public Safety

Division: Driver and Vehicle Services Division

Agency Contact: Diane Hamilton

Rule Numbers: 11 MCAR SS 1.6120-1.6125

Title: Deputy Registrars; Appointment and Regulation

Type of Rules: Permanent

Incorporations by Reference: None
Rule Number: Material Incorporated:

Duplication of Statutory Language: None
Rule Number: Statutory Section Duplicated:

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: January 17, 1983

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Appointment and Operating Requirements of Deputy Registrar Offices.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on January 31, 1983, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 14.22, on January 28, 1983. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as 11MCAR 1.620 through 1.6125 adopted this 17th day of March, 1983, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6. and Minn. Stat. section 168.33.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0018

which are unclear. In addition, the department is seeking information or opinions from sources outside the agency in preparing to recommend the repeal of State Board of Education rules which have become unnecessarily costly or burdensome to school districts. The promulgation of these rules is authorized by Minnesota Statutes § 121.11, subd. 12, which permits the board to adopt rules.

The State Department of Education requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Dr. E. Raymond Peterson, Associate Commissioner
Department of Education
713 Capitol Square Building—550 Cedar
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-2414 and in person at the above address.

All statements of information and comment shall be accepted until August 15, 1982. Any written material received by the State Department of Education shall become part of the record in the event that the rules are promulgated.

June 8, 1982

Department of Public Safety
Driver & Vehicle Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Appointment of Deputy Registrars and Regulation of Deputy Registrar Facilities

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing deputy registrars. The rules must cover such subjects as volume and location criteria for establishing a new deputy registrar facility, requirements for layout and security of deputy registrar facilities, and general rules of operation for deputy registrars.

The promulgation of these rules is authorized by Minnesota Statutes § 168.33, which authorizes the Commissioner of Public Safety to appoint deputy registrars and for cause discontinue such appointments.

The State Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Marlene Swanson
Room 161 Transportation Bldg.
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at 296-2001 and in person at the above address.

All statements of information and comment shall be accepted until July 5, 1982. Any written material received by the State Department of Public Safety shall become part of the record in the event that the rules are promulgated.

John P. Sopsic
Commissioner of Public Safety

Department of Transportation
Program Management Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Standards for Special Transportation Service

Notice is hereby given that the Department of Transportation is seeking information or opinions from sources outside the agency in preparing to amend or promulgate new rules governing Operating Standards for Special Transportation Services. The

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Appointment and Operating Requirements of Deputy Registrar Offices.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 12th day of January, 1983, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0006

Department of Public Safety
Driver and Vehicle Services Division

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Appointment and Operating Requirements of Deputy Registrar Offices.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Section 15.0412, Subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Sections 168.33 and 15.0411 subd.3. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 15.0412, subdivision 7.

A copy of the proposed rules is attached to this notice.

STATE OF MINNESOTA

Jan. 14, 1983
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0008

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Appointment and Operating Requirements of Deputy Registrar Offices.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

LeeAnn Aitkin, being first duly sworn, deposes and says:

That on the 27th day of January, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, mailing list A. In addition, discretionary notice was served on all persons and associations contained on mailing list B.

LeAnn Aitkin

Subscribed and sworn to before me

this 27th day of January.

1983

Dorothy F. Gerlach

DOROTHY F. GERLACH
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires Feb. 4, 1987

ACDKHF0011

Mailing List H - Deputy Registrar

AID Homes, Inc./Horizon Apts.
1094 Waterloo Ave.
West St. Paul, MN 55118

Board of Directors
Alpha Homes, Inc.
P.O. Box 475
Spicer, MN 56288

Amer. Bapt. Homes/Up. Midwest
7928 Eden Road
Eden Prairie, MN 55344

Gertrude M. James
Anoka Cnty Comm. Heath &
Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

Arnie Lee Memorial Home
Route 2
Evansville, MN 56326

Board of Directors
Assisi Residences
218 S. Linton
Blue Earth, MN 56013

Assoc. Bldrs/Contractors, Inc.
6300 Walker St., Suite 109
Mpls, MN 55416

Rick Carter
Assoc./Health Care Facilities
2850 Metro Drive, Suite 429
Mpls, MN 55420

Assoc./Residences for Retarded
459 Rice St. Suite 301
St. Paul, MN 55013

Brighter Day Residences, Inc.
620 N. Wood St.
Mora, MN 55051

Board of Directors
Cath. Charities/Dioc. St. Cloud
1726 Seventh Av. S
St. Cloud, MN 56301

Board of Directors
Christian Concern, Inc.
402 N. Third St.
St. Peter, MN 56082

Board of Directors
Community Involvement
1926 Nicollet Ave. S.
Mpls, MN 55403

Community Living
Box 128
Victoria, MN 55386

Crippled Children's School
Box 23
Worthington, MN 56187

Dakota's Children, Inc.
400 W. Marie
West St. Paul, MN 55118

Board of Directors
Dell's Place, Inc.
235 S. Second Ave.
Delano, MN 55328

Dorothe Lane Children's Home
205 Sixth St.
Sauk Centre, MN 56378

Board of Directors
Duluth Regional Care
603 Alworth Bldg.
Duluth, MN 55802

Dungarvin, Inc.
865 Front St.
St. Paul, MN 55117

Kent E. Eklund
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Richard C. Buske
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Charles Schaffer
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Ed. Phillips & Sons, Co.
2345 Kennedy St. NE
Mpls, MN 55413

Fredrik M. Christiansen
Department of Education
Room 911, Capitol Sq. Bldg.
St. Paul, MN 55101

Episcopal Group Homes
522 Shadyway Road
Wayzata, MN 55391

Bonnie M. Spencer
Dir. State Regulatory Div.
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201
Falls Church, VA 22041

Fillmore Cnty Hndcpped Svcs.
135 Center St. SE
Harmony, MN 55939

Forestview Community Homes
P.O. Box 1249
Minnetonka, MN 55343

Board of Directors
Greenbrier Home, Inc.
941 Birmingham St.
St. Paul, MN 55106

Great River Homes, Inc.
717 Rustic Lane
Wabasha, MN 55981

Group Homes of Winona, Inc.
377 Main St.
Winona, MN 55987

Forestview-Hemmingway
8045 Hemmingway Ave. S.
Cottage Grove, MN 55016

Friendship Haven, Inc.
P.O. Box 576
Sherburne, MN 56171

Board of Directors
Harry Meyering Center
109 Homestead Drive, Box 302
Mankato, MN 56001

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

Conrad M. Fredin
Johnson, Fredin, Killen,
Thibodeau & Seiler
811 1st Nat'l Bank Bldg.
Duluth, MN 55802

Kathleen Burek
Executive Director
Leg. Comm./Review Admin. Rules
Rm 430, State Office Bldg.
St. Paul, MN 55155

Gen. Counsel/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

John G. Horner
MN Multi-Housing Assoc.
3100 W. Lake St.
Mpls, MN 55416

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Nekton, Inc.
633 N. Snelling Ave.
St. Paul, MN 55104

Good Neighbor Home
1091 Fairmount Ave.
St. Paul, MN 55105

Sam Ruhle
Office of Admin. Hearings
310 So. 4th Ave.
Mpls, MN 55415

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Innovative Homes, Inc.
P.O. Box 11
Kasson, MN 55944

Koep Group Home
Route 3
Fergus Falls, MN 56537

M.B.W. Company
801 Center St.
New Ulm, MN 56073

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

Moore's Haven, Inc.
3490 N. Victoria
St. Paul, MN 55113

Abe Rosenthal
Executive Vice President
MN Motor Transport Assoc.
1821 University Ave. (N310)
St. Paul, MN 55104

Board of Directors
New Dawn, Inc.
Route 1, Box K1
Fulda, MN 56131

Board of Directors
Hammer Residences, Inc.
1909 E. Wayzata Blvd.
Wayzata, MN 55391

Board of Directors
Hearthside Home
Pike Bay Drive, Lake Vermillion
Tower, MN 55790

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Hope Residence, Inc.
Box 63
Waterville, MN 56096

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Mental Health Assoc. of MN
5501 Green Valley Drive #103
Mpls, MN 55437

John T. Farmer
Executive Director
MN Manufactured Housing Assoc.
222 E. Little Canada Rd.
Little Canada, MN 55117

Gordon Forbes
MN Railroads Assoc.
480 Cedar St., 303 Hanover Bldg.
St. Paul, MN 55101

James Murphy
Vice President
Nat'l Assoc. Indep. Insurers
2600 River Road
Des Plaines, IL 60018

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

Board of Directors
Northeast House, Inc.
2821 S. Inglewood Ave.
Mpls, MN 55416

Board of Directors
Olmsted ARC
1312 Seventh St. NW
Rochester, MN 5901

Outreach Group Homes, Inc.
3601 Park Center Blvd. #304
Mpls, MN 55416

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Pine River Group Home
Box 96
Pine River, MN 56474

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Claudia Smith
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Dev. Disabilities Pl. Office
State Planning Agency
200 Capitol Sq. Bldg.
St. Paul, MN 55101

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls, MN 55488

Board of Directors
Northest Residence, Inc.
104 Bald Eagle Ave.
White Bear Lake, MN 55110

Bernice Fields
Research Analyst
Ombudsman for Corrections
333 Sibley, Rm 101 Nalpak Bldg.
St. Paul, MN 55101

Our House of MN, Inc.
1864 Portland Ave.
St. Paul, MN 55104

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Thomas M. Polt
Polt Law Offices
McCarthy Bldg.
Eyota, MN 55934

Charles A. Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

Summit House
1004 Summit Ave.
Mpls, MN 55403

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

Mgr./Regulatory Compl. & Svc
Northern States Power Co.
414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

People, Inc.
1245 NW Nat'l Bank Bldg.
St. Paul, MN 55101

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Peter S. Popovich
Peterson, Popovich, Knutson
& Flynn
314 Minnesota Bldg.
St. Paul, MN 55101

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Residence, Inc.
2499 N. Rice St. Suite 139
Roseville, MN 55133

Board of Directors
Riverview Manor, Inc.
Box 215
Wanamingo, MN 55983

South Center Manor, Inc.
Park Island
Center City, MN 55012

Sur La Rue, Inc.
1386 Jackson St.
St. Paul, MN 55117

Robert A. Silvagni
University of Minnesota
319 15th Av SE, 200 Shops Bldg.
Mpls, MN 55455

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Willmar Nursing Home, Inc.
1004 Ella Ave.
Willmar, MN 56201

Windom CRF, Inc.
Box 244
Windom, MN 56101

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Woodvale Homes, Inc.
Box 1047
Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

Jerry Kennan
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56001

George C. Mastor
General Manager/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

H. LeRoy DeBoom
3945 Zarthan Ave.
St. Louis Park, MN 55416

Marlis Johnson
Box 3367, Region 9
Mankato, MN 56001

Rodney Watkins
105 University Road
Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
1235 Jefferson Davis Hwy #1410
Arlington, VA 22202

POST Board
500 Metro Square Bldg.
St. Paul, MN 55101

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

Joseph G. Beaton, Jr.
Attorney at Law
3109 Hennepin Ave. So.
Mpls, MN 55408

Mark Groettum
Attorney at Law
311 E Howard St., Box 764
Hibbing, MN 55746

Department of Public Safety
Deputy Registrar Rules

Mailing
List
B.

David Konshok, President
Deputy Registrar Association
200 South Main Street
Park Rapids, MN 56470

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Appointment and Operating Requirements of Deputy Registrar Offices.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 A.M., this 27th day of January, 1983.

Diane Dykevick

The proposed temporary rules amendments may be modified if the modifications are supported by the data and views submitted to the department.

These proposed temporary rules amendments, with modifications, if any, shall be submitted to the Attorney General for final approval as to form and legality. The temporary rules amendments shall take effect immediately upon the Attorney General's approval.

These temporary rules amendments shall be effective for 180 days or until they are replaced by permanent rules, whichever occurs first.

Robert G. Renner, Jr.
Commissioner

[TEMPORARY] Rule as Proposed

6 MCAR § 2.2301 [TEMPORARY] Definitions.

For the purpose of these rules, the following definitions apply:

A.-U. [UNCHANGED.]

V. [TEMPORARY] Residential building. Any structure used for residential occupancy including any building containing at least one, but not more than four, dwelling units, and, has a system for either heating or cooling living spaces. "Residential building" also includes any building that contains more than four dwelling units, unless the building contains a central heating system, a central cooling system, or both. However, this definition does not include: new buildings to which final standards under sections 304(a) and 305 of the Energy Conservation and Production Act (42 United States Code, section 6801 et seq) apply.

Department of Public Safety
Driver and Vehicle Services Division

Proposed Rules Governing the Appointment and Operating Requirements of Deputy Registrar Offices

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The department's authority to adopt the proposed rules is contained in Minn. Stat. §§ 168.33 and 15.0411, subd. 3. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, the notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for

review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes § 15.0412, subdivision 7.

A copy of the proposed rules is attached to this notice.

Paul J. Tschida
Commissioner of Public Safety

Rules as Proposed (all new material)

11 MCAR § 1.6120 Purpose and scope.

A. Purpose. The purpose of 11 MCAR §§ 1.6120-1.6125 is to carry out the mandate of the legislature as set forth in Minnesota Statutes, section 168.33 with respect to the appointment and regulation of motor vehicle deputy registrars.

B. Scope. The scope of 11 MCAR §§ 1.6120-1.6125 is intended to be confined within the framework of and to be consistent with Minnesota Statutes, chapters 168 and 168A.

11 MCAR § 1.6121 Definitions.

For the purposes of 11 MCAR §§ 1.6120-1.6125, the following terms have the meanings given them.

A. Registrar. "Registrar" has the meaning given it in Minnesota Statutes, section 168.011, subdivision 18.

B. Application. "Application" has the meaning given "application for registration" in Minnesota Statutes, section 168.011, subdivision 2, and includes a reapplication.

C. Metropolitan area. "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

11 MCAR § 1.6122 Criteria for establishing a new office or a new deputy registrar appointment.

A. Within the metropolitan area and in cities of over 50,000 population. The following conditions must be met before a new deputy registrar office is approved or a new deputy registrar is appointed:

1. The estimated number of applications that a new deputy registrar office will process annually must be at least 20,000. The number of applications will be estimated as follows: 40 percent of the applications processed within the preceding year by existing deputy registrar offices located within a four-mile radius of the proposed new office or 25 percent of the applications processed within the preceding year by existing deputy registrars within six miles of the proposed new office, whichever is the larger.

2. The proposed new office must not be located within three miles of an existing deputy registrar office.

B. Other areas. In all other cities not included in A., the following conditions must be met before a new deputy registrar office is approved:

1. The estimated number of applications that a new deputy registrar office will process annually must be at least 5,000. The number of applications will be estimated as follows: 20 percent of the applications processed within the preceding year by existing deputy registrar offices located within 20 miles of the proposed new office, or, if there is no existing deputy registrar office located within 20 miles of the proposed new office, the total number of new car sales, multiplied by four, made by all new car dealers within 25 miles of the proposed new office as determined by a survey taken by the registrar, plus one-half the population of all towns and cities that are closer to the new proposed office than to any existing deputy registrar office.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

2. The proposed new office must not be located within 15 miles or 25 minutes driving time of an existing deputy registrar office, except in cities having a population of 25,000 to 50,000.

3. The proposed new office must not be located in a city of less than 25,000 population if there is an existing deputy registrar office in that city.

4. The proposed new office must not be located in a city having a population of 25,000 to 50,000 unless there are less than two existing deputy registrar offices in that city.

11 MCAR § 1.6123 Deputy registrar office requirements.

A. Generally. Any new office or change in location must comply with B.-G.

B. Exclusive area. A deputy registrar office must contain an area or room used exclusively for processing applications. It may not be used for living space or for transacting any other business. A counter or divider must be installed within the exclusive area or room to separate the public from the deputy registrar and employees.

C. Security. The following security requirements must be provided:

1. The office must contain a secured area to store plates and stickers.

2. The office must contain a security safe or vault.

D. Size of exclusive area. The size of the exclusive area or room is based on the projected estimated number of applications that will be processed annually by the deputy registrar.

1. If the projected estimated number of applications to be processed annually is between 5,000 and 8,000, the exclusive area or room must contain a minimum of 300 square feet.

2. If the projected estimated number of applications to be processed annually exceeds 8,000, the exclusive area or room must contain a minimum of 400 square feet.

E. Accessibility. The office must be accessible to the handicapped.

F. Identification. An outdoor sign must be prominently displayed to identify the office.

G. Conflicting business interests. A deputy registrar office may not be operated in conjunction with the sale of motor vehicles or automobile insurance.

11 MCAR § 1.6124 General operating rules for deputy registrars.

A. Sole operator. A deputy registrar must manage the office in accordance with the following:

1. Except for publicly operated and American Automobile Association deputy registrar offices, a deputy registrar must be the principal person in charge of the office and must actively participate in the processing of applications.

2. Except for publicly operated and American Automobile Association deputy registrar offices, a deputy registrar may not delegate to another person the authority or responsibility of operating the office. The deputy must be in the office operating it on a full-time basis.

B. Hours. Deputy registrar offices must be open for business at least 40 hours during each normal workweek.

C. Solicitation. Deputy registrars may not solicit or seek to provide service beyond 75 percent of the distance between his or her office and the office of another deputy registrar.

D. Location. A deputy registrar appointment is for operating an office in the specific location named by the registrar. A deputy registrar may not change the office location without the approval of the registrar.

E. Filing fees. Filing fees must be governed by the following requirements:

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

2. No additional fee may be charged for a correction required in a previously submitted application if the error requiring the correction was made by the registrar, a member of the registrar's staff, or by a deputy registrar or employee of a deputy registrar.

11 MCAR § 1.6125 Penalty.

The registrar shall revoke the appointment of any deputy registrar who violates any requirement of Minnesota Statutes, section 168.33 or 11 MCAR §§ 1.6120-1.6125, unless the violation is corrected or discontinued or any deficiency supplied within 30 days after the registrar has given notice to the deputy registrar of the violation. Notice shall be given by certified mail.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Appointment and Operating Requirements of Deputy Registrar Offices.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on January 31, 1983, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 14.14 subdivision 1, on January 27, 1983.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received fewer than seven requests for a public hearing within the 30 day comment period, and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the Department of Public Safety to promulgate these rules is contained in Minn. Stat. Section 168.33.

2. The Statement of Need and Reasonableness for these rules sets forth the need for and reasonableness of the rules to be adopted, and is incorporated into these findings and becomes a part hereof as though fully set forth herein.

3. During the 30 day public comment period, no requests for public hearing were received.

4. During the 30 day public comment period, one public comment letter was received, from the Minnesota Deputy Registrar's Association. They expressed support of the rules and suggested one change to 11MCAR 1.6122B1, to reduce from 5,000 to 4,000 the estimated minimum number of applications that a new deputy registrar office would have to process annually as a condition for approval of appointment. In their letter, dated February 18, 1983, they state that the higher number would inadvertently discriminate against northern Minnesota where population, and therefore potential business, is sparse. It would create greater distance between deputies and therefore greater commute distances for citizen/customers.

5. There were no requests for notification of the date on which the rules are sent to the Attorney General.

CONCLUSIONS

1. The Commissioner of Public Safety gave due, timely and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Commissioner of Public Safety has statutory authority to promulgate the proposed rules.

3. The Commissioner of Public Safety has fulfilled all relevant, substantive and procedural requirements of law and rule.

4. The Commissioner of Public Safety has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

5. The Commissioner of Public Safety concurs with the modification proposed by the Minnesota Deputy Registrar's Association and the reasons therefore, and the modification is incorporated into the adopted rule.

STATE OF MINNESOTA

3/18/83
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0015

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Rules
Relating to the Appointment and
Operating Requirements of a Deputy
Registrar's Office

STATEMENT OF NEED

The above captioned rules are not amendments to existing rules of the State Department of Public Safety. These rules are being proposed in order to implement Minn. Stat. section 169.33 regarding motor vehicle deputy registrar appointments and set forth uniform standards for deputy registrar operations.

11 MCAR S 1.6120 Purpose and Scope.

Minnesota Statute 168.33, delegates the responsibility to the Registrar to appoint and for cause to discontinue a Deputy Registrar. The appointment of a Deputy Registrar shall be in the best interest of the public. Appointment of a Deputy Registrar shall not place on the State of Minnesota any additional burden that does not create a service to the public. A Deputy must be trained to give the best information possible to a customer, as well as, be an agent to the state in collecting taxes in the appropriate amounts. A Deputy is the Registrar's agent in ensuring that all Minnesota Statutes are uniformily administered and all taxes collected.

11 MCAR S 1.6121 Definitions

The definitions used in these proposed rules and regulations are definitions under Minnesota statutes.

11 MCAR S 1.6122 A and B

This rule deals with if and where a new office or new deputy should be established in an area. It is important that the office locations be in the best interest of the public, conveniently located so that quality service is available and the cost of maintaining the office to all parties is not prohibitive.

If the Deputy Registrar has projected his or her future transactions and staffing needs on past experience and a new location is established too close to the other office, that Deputy may not generate sufficient income from the filing fee to keep qualified staff or to cover the office during normal business hours. If sufficient staff is not available, the waiting time for a customer during peak periods of the month could be extended to where it would be an inconvenience and disservice to the customer.

Due to the complexity and the need for extensive knowledge of motor vehicle laws, it follows that a Deputy, handling the variety of transactions that goes with the larger volume of transactions, would have a lower error ratio than a Deputy who does not handle a sufficient volume of transactions. If the Deputy does not handle a variety of transactions on a daily basis, his or her knowledge and familiarity with the laws deteriorates. When a Deputy does not handle a transaction properly the Registrar must either obtain additional information or collect additional taxes. This places a financial burden on the state for the Deputy's error and defeats the purpose of the Deputy acting as an agent for the Registrar. At the same time, this is a disservice to the public, as they will not receive the necessary ownership and/or registration documents promptly. These documents include the Certificate of Title, which is necessary to sell the vehicle or to have when using the vehicle as collateral for loans, or a cab card that must be carried with certain vehicle which are registered under gross weight laws.

The cost to the state is also increased because additional training and ongoing training is needed to keep the level of knowledge sufficient so that customers are not penalized by Deputies not having the proper expertise to handle the transactions. The training is provided by an employee of the Registrar who is assigned to a specific area. When the deputy error rate is high, repeated visits are made to provide training. Not only is additional training needed in these situations, but communication by telephone to check with the Registrar's office on how to handle a transaction involves tying up the Registrar's staff to answer these questions. Other items that enter into the cost to the state in maintaining a Deputy's office involves stocking the Deputy with forms, plates and stickers. It also includes auditing of the taxes and fees collected for the state of Minnesota.

The Deputy Registrar's Association agrees that offices should be spaced so that they are convenient to the public, but, at the same time, these offices should not be an economic burden to the Registrar nor to the Deputies themselves because a sufficient volume level is not maintained. If the costs for either the state or the Deputy Registrars became so exorbitant, the office would have to close or be closed, resulting in a loss of convenience for the public. Experience has shown that when the volume in a deputy's office is less than 20,000, expense to the state increases. However, these offices are a service to the public; offices must be available in rural areas.

11 MCAR S 1.6123 A.

So as not to place a burden on existing offices, only new Deputies, or at the time an existing Deputy moves to a new location, the Deputy is obliged to comply with requirements B through G.

11 MCAR S 1.6123 B.

A Deputy Registrar's office is a business. When transacting business for the State of Minnesota it should be the exclusive business being contracted at the time and a business atmosphere must be maintained. Many Deputies have other businesses that are in the same location, such as: jewelry shops, barber shops, sporting goods shops and clothing shops. These businesses must be kept separate. Minnesota Statute 168.33 specifys that a Deputy maintain a suitable facility for serving the public.

11 MCAR S 1.6123 C.

Plates and stickers signify the payment of taxes and also assists law enforcement in identifying vehicles. A secure storage place for these items must be maintained so that theft of these items does not occur. If plates and stickers are stolen, they are a commodity which, if sold to the public, could be used to evade the payment of taxes. Large amounts of taxes and fees are collected by the Deputy. These monies must also be kept in a secure place so that theft does not occur. Minnesota Statute 168.33, requires that Deputies which are not city or county employees shall give bond in the amount of $10,000.00 or such amount as the Registrar may require.

11 MCAR S 1.6123 D.

Minnesota Statute 168.33, Subdivision 2, states, "in all cases, the Deputy shall maintain a suitable facility for serving the public". Sufficient office space must be maintained so that the public can be served in an orderly and efficient manner. The space per anticipated customer must be sufficient so that other laws relating to the health of the customer are complied with such as being able to exit the premises in case of a fire.

11 MCARS 1.6123 E.

A handicapped customer who is in need of the service of a Deputy and has the right to the service of the Deputy must be able to conveniently enter and exit the office.

11 MCAR S 1.6123 F.

The public must be able to locate the office of the Deputy Registrar to obtain their services. If an office is not properly identified, it is not providing the services to the public.

11 MCAR S 1.6123 G.

There are other laws governing the sale of motor vehicles and automobile insurance. If a Deputy Registrar is allowed to sell either of these a conflict of interest could develop. For example: A vehicle cannot be registered in Minnesota without supplying the required insurance information. If a person should apply for registration of a vehicle and not have this coverage, the other business interest of the Deputy could interfere with his duty as a Deputy. The individual could be coerced into buying insurance so that the vehicle could be registered. In the handling of motor vehicle transactions, a Deputy examines the paper work that motor vehicle dealers submit. If the Deputy handles both businesses they would be handling their own paper work and the interest of the automobile dealership could come before the meeting of the requirements of being an agent for the Registrar. It is in the best interest of the public and the state of Minnesota that these businesses not be combined.

11 MCAR S 1.6124 A.

Minnesota Statute 168.33, Subdivision 2, requires that each Deputy before entering upon the discharge of his duties, shall take and subscribe to an oath to faithfully discharge his duties and to uphold the laws of this state. The legislative intent of the statute is that the Deputy Registrar must be the principle person in charge of the office. This is the Deputy's personal responsibility and he cannot fulfill it if he does not actively participate in supervising and working in his or her office. An individual, who has taken the oath and does not actively participate in the operation of the office, could be held criminally liable for any unlawful acts which could occur in the office.

Additionally, the statute requires that a Deputy Registrar, who is not an officer or an employee of the county or city, shall be bonded as a condition of the faithful discharge of his duties. This portion of the statute also supports the necessity for the individual to be responsible for the activities of the office.

The American Auto Association was appointed as a Deputy in 1963. Due to this long term appointment and the excellent service that has been provided to the public, continuation of the appointment is in the best interest of the state and general public.

11 MCAR S 1.6124 B.

The Deputy office is a service and must maintain hours that best serve the public. If a Deputy is not available during the normal business hours of the community, the needs of the public are not being met. County and state offices are generally operated on a 40 hour a week time basis.

11 MCAR S 1.6124 C.

Deputy Registrar's are required by Minnesota Statute 168.33, Subdivision 2, to maintain suitable facilities for serving the public. An investment in office space, equipment and personnel suitable to meet their staffing needs for properly serving the public is required of them before being appointed. This investment is based on the projected volume that the office can anticipate. Solicitation such as mass mailings to banks, trucking firms and dealerships, interferes with the balance of the projected profit margin for other Deputy Registrar offices.

If a Deputy is required to make these investments and the profit margin is not sufficient to support the office, the Deputy would then be placed in a situation of losing money. If the Deputy were placed in the situation of not making a profit, he then could try to counteract this loss by cutting staff and their office hours, or even closing and this would effect service to the public in that area. A Deputy must be able to count on some of the large volume businesses in their area so that service to individuals can be absorbed in their operating costs. The large volume customers are familar with registration laws and submit a number of applications at a time. These customers require less time to handle than the one-on-one with the individual customer who needs assistance because of lack of knowledge of the laws.

Reputable Deputy Registrars concur with this requirement. A Deputy Registrar's livelihood, by legislative intent, is the fees which are collected by their office.

The whole reason for having Deputies is to provide services to a particular geographical area. Deputies must all provide the same services and charge the same fees. Therefore, the only reasonable basis for choosing one deputy over another would be on the basis of location. A Deputy is providing no service to the public by soliciting people outside his geographical area to mail applications to him.

11 MCAR S 1.6124 D.

The Registrar is responsible for the appointed Deputy Registrars. Changing of office locations without the approval of the Registrar removes the necessary control that the Registrar must maintain.

11 MCAR S 1.6124 E.

Minnesota Statute 168.33, Subdivision 2, states in part, "...the filing fee imposed pursuant to Subdivision 7, shall be deposited in the treasury of the place for which he is appointed, or if such deputy is not a public official, he shall retain the filing fee....". The law is specific as to how the filing fee is to be handled. Subdivision 7, mandates a specified amount for a filing fee. If a rebate is given, the Deputy is not charging the fee mandated by the statute.

When an error occurs, whether at a Deputy's office or at the Registrar's office, the individual has already been charged the filing fee for that transaction. If the error was no fault of that individual, he should not be charged to correct it.

11 MCAR S 1.6125

Minnesota Statute 168.33, Subdivision 2, states in part, "...the Registrar may appoint, and for cause discontinue....a Deputy Registrar as the public interest and convenience may require....". It is the Registar's responsibility to monitor the activities and compliance of the Deputy Registrars and, when appropriate, revoke the appointment. If a Deputy after due warning, does not abide by the pertinent statutes and rules, the purpose of which are to protect and serve the public, his continuation as a Deputy would be a disservice to the public. Therefore, his appointment should be revoked.

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Appointment and Operating Requirements of Deputy Registrar Offices.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General James Early, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

April 11, 1983
DATED

James B. Early
SPECIAL ASSISTANT ATTORNEY GENERAL

ACDKDF0001