

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

AVK

RULE REVIEW CHECKLIST

File No. 1985
DATE RECEIVED 12-21-92
REVIEW DATE 12-31-92
DUE DATE 1-4-93
~~(DIS)~~APPROVED 1-7-93
WITHDRAWN from A.G. Review - 1-4-93
Resubmitted: 1-5-93

Docket No. 05 0009 0713
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 12-28-92
REVISOR (DIS)APPROVED 1-5-95
FILED W/SEC. OF STATE 1-8-95
RETURNED TO AGENCY 1-8-95

✓ Rule as adopted (4 copies)

Notice to Solicit Outside Information/Opinion (if applicable)
- Date published in State Register
- Comments

Petition for Adoption of a Rule

Board's Authorizing Resolution
- Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 299A.01 subds. section 14.26 Statutory Authority 168.12 subd 2, 29, 2b 2c, 2d
- ✓ Small Business Statement section 168.123 subd 6 and
- Expenditure of public money statement 168.125 subd 3
- 10-21-92 Signature

✓ Statement of Need and Reasonableness (if applicable)
- Small Business Statement
- ✓ Fees - § 16A.128 - approval from finance sent letter to approvals committees

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- October 29, 1992 Dated 30/25 days before adoption
- ✓ Notice attached indicates it is attached
- Copy of rule or summary attached

✓ Publication in State Register
- November 9, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
- ✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply not new material
- ✓ end of comment period (§ 14.26) (rules without hearing)
- effective date of statutory authority (§ 14.29) (emergency rules)

Resolution Adopting
- Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- Dec 21, 1992 Date

NA Written Requests, Submissions or Comments

✓ Declaration of Attorney
- Lori Satty Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION

STATEMENT OF NEED AND REASONABLENESS

In the matter of the proposed permanent rules relating to fees for license plates, validation stickers, and International Fuel Tax Agreement Decals and issuance and transfer of license plates.

GENERAL STATEMENT

The amendments made to Minnesota Rules, chapter 7403 update and expand the Department of Public Safety's (department) procedures regarding the issuance and transfer of license plates. Chapter 7403 was originally adopted by the department in 1976 to set forth procedures for the issuance of personalized license plates. The proposed amendments to chapter 7403 not only include updates on the issuance and transfer of personalized plates, but also include procedures on the use, transfer and issuance of other license plates issued by the department.

Chapter 7403 also includes two new sections, parts 7403.1300 and 7403.1400, which set forth fees for the manufacturing and issuing of license plates, validation stickers and International Fuel Tax Agreement decals. Amendments made in the 1992 legislative session to Minnesota Statutes, section 168.12, subdivision 5, section 168.29, and section 296.171, authorize the department to impose such fees.

STATUTORY AUTHORITY

The general statutory authority for the promulgation of rules relating to the use, issuance and transfer of license plates and fees for license plates, validation stickers and International Fuel Tax Agreement decals is set forth in Minnesota Statutes, section 299A.01, subdivision 6, and section 14.06 of the Administrative Procedure Act.

Minnesota Statutes, section 299A.01, subdivision 6, provides that the commissioner of public safety shall have the power to promulgate such rules pursuant to chapter 14, as are necessary to carry out the duties of the commissioner. Section 14.06 of the Administrative Procedure Act gives the Department of Public Safety general rulemaking authority. Under section 14.06, the commissioner of public safety has the authority to promulgate rules that directly affect the rights of and procedures available to the public.

In addition to the general rulemaking authority listed above, the legislature has also set forth specific rulemaking authority with regard to the issuance, use and transfer of special license plates under the following statutes:

Minnesota Statutes, section 168.12, subdivision 2, Amateur radio station license; subdivision 2a, Personalized plates; subdivision 2b, Firefighters; subdivision 2c, National guard; subdivision 2d, Ready reserve; Minnesota Statutes, section 168.123, subdivision 6, Veterans; and Minnesota Statutes, section 168.125, subdivision 3, Former prisoners of war.

These rules, which administer various provisions under Minnesota Statues, chapter 168, directly affect the public who will register a motor vehicle in Minnesota. When such policies and procedures of the department directly affect the public, the procedures must be adopted through the formal rulemaking process. The rulemaking process gives the public the opportunity to comment and participate in the development of the procedures and policies of the department.

SMALL BUSINESS CONSIDERATIONS

Minnesota Statutes, section 14.115, subdivision 2, requires the department, when proposing rules, to consider the impact such rules will have on small businesses. The department is to consider the following methods for reducing the impact of the rules on small businesses:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;
(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
(c) the consolidation or simplification of compliance or reporting requirements for small businesses;
(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
(e) the exemption of small businesses from any or all requirements of the rule.

Minnesota Statutes, section 14.115, subdivision 3, requires agencies to incorporate into proposed rules any of the above methods "that it finds to be feasible, unless doing so would be contrary to the statutory objectives that are the basis of the proposed rulemaking."

The rules do not set any specific reporting requirements or design or operational standards for businesses. These rules apply equally to all individuals and businesses that are required to registrar motor vehicles under the laws of Chapter 168. However, deputy registrars, as small businesses, were given special consideration when the license fee schedule was developed under part 7403.1300. Part 7403.1300 is a new section which imposes a fee for the cost of manufacturing and issuing license plates and validation stickers. The majority of people obtain their license plates through one of the many deputy registrar offices located throughout Minnesota. Deputy registrars will be responsible for correctly assessing the plate costs. As is further explained in part 7403.1300, the plate costs have been divided into a limited number of general categories that cover all 40 plate categories issued by the department. Instead of having the deputy registrars assess 40 different plate costs, the department has broken the cost down into a few general categories. Having a limited number of plate fees will make it easier for deputy registrar offices to implement the new section.

NOTICE TO DEPARTMENT OF FINANCE

In accordance with Minnesota Statutes, section 16A.128, subdivision 1a, pertaining to fees, the Department has received approval from the Commissioner of Finance for the fees set by these rules. A copy of the approval is attached to this Statement of Need and Reasonableness.

NOTICE TO CHAIRS OF LEGISLATIVE COMMITTEES

In accordance with Minnesota Statutes, section 16A.128, subdivision 2a, the Department has sent a copy of the Notice of Intent to Adopt Rules and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting this notice to the State Register for publication.

OTHER STATUTORY REQUIREMENTS

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of the rules. Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land. Minnesota Statutes, sections 115.43, subdivision 1, 116.07, subdivision 6, and 144A.29, subdivision 4, do not apply to these rules.

WITNESSES

If these rules go to a public hearing, the following individuals may testify on behalf of the department of public safety in support of the need for and reasonableness of the rules:

Dave Davies, Supervisor, Customer and Agency Services, Driver and Vehicle Services Division, Department of Public Safety, 159 Transportation Bldg., 395 John Ireland Blvd., St. Paul, MN 55155

Dan Floyd, Agency Services, Driver and Vehicle Services Division, Department of Public Safety, 159 Transportation Bldg., 395 John Ireland Blvd., St. Paul, MN 55155

Laura Nehl-Trueman, Rulewriter, Driver and Vehicle Services Division, Department of Public Safety, 208 Transportation Bldg., 395 John Ireland Blvd., St. Paul, MN 55155

Other employees of the Department of Public Safety.

If the rules go to a public hearing, the agency may call expert witnesses to testify on behalf of the agency. If the agency expects to call expert witnesses at the hearing, a list of expert witnesses will be mailed out to all persons who requested a copy of the Statement of Need and Reasonableness.

RULE-BY-RULE ANALYSIS

7403.0100 DEFINITIONS.

Subpart 3a. Plates. The term plate was defined to clarify that plate means either special or regular plates unless the rules state otherwise.

Subpart 5. Reserved. The term reserved has been repealed because the term, as used in the rule, has two separate meanings. One meaning of the term "reserved" relates to a person reserving a plate combination on a personalized plate. The other use of the term "reserved" refers to the procedure of the department reserving numbered plate sequences for future use on license plates. It is reasonable to delete this definition because the terms, as used in the rule, have a common meaning and do not need additional defining.

Subpart 6 and subpart 7. Regular plates and Special plates. The terms regular plates and special plates are defined to set forth the distinction between the two different types of plates. Regular plates are those that are assigned to the vehicle. The majority of people in Minnesota obtain these sequential lettered and numbered license plates. Special license plates, like personalized plates or veterans plates, are those that the division assigns to an individual owner for use on a specific vehicle listed in the owners license plate application. With special plates, the owner then is able to transfer the plates to other vehicles that the owner owns through the procedures outlined in part 7403.0900.

Subpart 8. Validation sticker. Validation sticker is defined as a license plate sticker, with a control number, which designates weight or expiration date. The definition is necessary to distinguish a validation sticker from other types of stickers that are issued by the department.

7403.0200; 7403.0300 PURPOSE AND SCOPE.

These two parts have been broadened to state that this set of rules deals not only with personalized plates, but now covers additional regular and special plates that the department administers under chapter 168.

7403.0400 PLATES; FORMAT AND CONTENT.

Subpart 1. Characters. Subpart 1 previously listed the characters that were only available on personalized plates. Part 7403.0400 now applies to other regular and special plates, including personalized plates. Therefore, the word "personalized" has been stricken from this subpart.

Subpart 3. Number of characters. Subpart 3 has been repealed because the information in this subpart has been incorporated into subpart 4.

Subpart 4. Characters limited. The first sentence of subpart 4 pertaining to the use of letters and numbers on a personalized plate has been stricken and moved to item C.

Item A. Item A is the requirement that was previously set forth in subpart 3. This requirement has been added to subpart 4 so that all character requirements could be located in one subpart. The requirement provides that at least one character on a plate must be a full-size letter or number. This rule prevents a person from having a license plate combination with only stacked characters, hyphens or spaces.

Item B. Item B provides that stacked characters shall count as one character. Item B also defines stacked characters. The definition of "stacked characters" is added to the rules to specify that one character placed directly above another character is a single character and not two separate characters. For some special plates, characters are required to be stacked. For example, under Minnesota statutes, section 168.123, Pearl Harbor plates require the letters "P" and "H" to be stacked, with the "P" being placed directly above the "H". The rules use the term "stacked" to define the placement of such letters.

Subpart 5. Duplication. The last sentence of subpart 5, requiring that the specific numbering systems prohibited on personalized plates shall be indicated on applications, has been stricken because the division no longer lists such numbering systems on the applications. It is too cumbersome and economically inefficient to list plate combinations that are not allowed on the application form. Customers can directly ask division personal about specific combinations when applying for the personalized plates.

Subpart 5 has also been clarified to state that applicants shall not be allowed to use character combinations on special plates that are currently being used or those which the department has set aside and reserved for future use.

Subpart 6. Division plate combinations. As in subpart 5, this subpart has been expanded beyond personalized plates and also prohibits individuals from choosing plate combinations that have been used or reserved by the department.

Subpart 7. Spacing and hyphenation. Subpart 7 lists the requirements for use of spaces and hyphens on plates. For example, hyphens can be used to group characters on a personalized plate but may not be used consecutively on a personalized plate. Personalized combinations using consecutive hyphens are more difficult for law enforcement to work with.

The requirement stating that the maximum number of characters on a personalized plate is six has been deleted because that requirement has been changed by statute. Minnesota Statutes, section 168.12, subdivision 2a, provides that personalized license plates cannot have more than seven letters or numbers printed on them. Because the numbers of characters allowed on a personalized plate is governed by statute, the requirement will be removed from the rules.

Subpart 7 also states that if hyphens and spaces are used on a license plate they shall count towards the total number of characters allowed on a plate. There are only seven spaces available on a license plate and if someone used a space as a space or uses a hyphen, then there will be less space available for any letters or numbers. This requirement applies for any plate in which a hyphen or space is used.

Subpart 8. Unique symbols and weight designation stickers. As subpart 8 indicates, unique symbols and weight designation stickers are items that may be required to be placed on a plate either by the department or specifically under chapter 168. These items are not characters that can be chosen by the person for use on a personalized plate. However, when a symbol or sticker is required it will reduce the amount of space that is available on a plate for letters and numbers.

Subpart 9. Multiple owners. This requirement was previously listed in part 7403.0500, subpart 2. The terms "leased" and "lessees" have been added to this subpart to clarify that if a person has leased a vehicle they will be allowed to apply for a different set of license plates without obtaining the signature of the lessor.

This procedure allows the lessee to apply directly for a different set of plates. Previously, the lessor had to sign off on the application as the owner of the vehicle. However, this procedure was very time consuming and added additional paperwork for the leasing companies. The procedure of having the lessee applying directly for the plates saves the consumer and division time in processing the application and getting the plate delivered to the applicant.

7403.0500 PERSONALIZED PLATE APPLICATION; CONTENTS AND REVIEW.

Subpart 2. Multiple owners. This subpart has been repealed and the requirements are now located in part 7403.0400, subpart 9.

7403.0600 REPLACEMENT OF PERSONALIZED PLATES.

Subpart 1, Loss or theft and Subpart 2, Defacement. Subparts 1 and 2, dealing with the loss, theft or defacement of a personalized plate, have been combined into one section because of a statutory change.

Previously, under subpart 1, if a plate was lost or stolen and a person applied for a replacement plate, the person could not obtain the same character combination on the replacement plate because the lost or stolen plates could be illegally placed on another vehicle. When the person applied for a replacement set of plates, a report would be made to law enforcement concerning the lost or stolen plates. If the department issued the same character combination to the person, the person would be in jeopardy of being stopped by law enforcement for having stolen plates on their vehicle.

Under subpart 2, if a plate was defaced, the plate owner could obtain the same character combination because the plates were required to be surrendered. If the plates were surrendered they could not be illegally placed on another vehicle.

Because of an amendment made under Minnesota Statutes, section 168.12, subdivision 2a, if the owner's plates are lost, stolen or destroyed they will be able to obtain the same personalized character combination. Minnesota Statues, section 168.12, subdivision 2a provides, in part, "... if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and shall receive duplicate license plates bearing the same combination of letters and numbers as the former personalized plates upon the payment of the fee required by section 168.29."

In addition, the department's registration record now is able to display which vehicle the plate is assigned to and what year the plate was issued. Therefore, there would no confusion as to who the legitimate plate owner was. Law enforcement officials have access to the department's registration records through a 24-hour phone service set up by the department. If a law enforcement officer has a question regarding the owner of a plate or whether a vehicle has been issued a certain set of plates they can contact the department's staff who will provide them with the information.

The refund section of subpart one has been deleted. Since the owner will not be applying for a new plate combination, there is no need for a refund.

7403.0700. FEES.

Part 7403.0700 has been repealed because of a statutory change regarding the life of a plate under Minnesota Statutes, section 168.12. Personalized plates were originally issued for a five-year cycle which started in 1976. A plate issued in 1976 would be good until 1981. A $50 application fee was required upon issuance. Using the five year cycle, the department prorated the $50 application fee to $10 per year.

Under Minnesota Statutes, section 168.12, subdivision 1, clause 2, plates are now required to be issued for a seven-year period. The seven-year period is not a set period, i.e. from 1976-1981, but is determined by the date the plates were originally issued. Furthermore, Minnesota Statutes, section 168.12, subdivision 2a, was also amended to provide for a one-time application fee of $100. This statutory change precludes the department from prorating the fee for the issuance of personalized plates.

7403.0800 REFUNDS FOR SPECIAL PLATES.

Subpart 1. Conditions. Subpart 1 provided for a ten dollar refund for each full unused registration year. The ten dollar refund was appropriate when the refund was based on the five-year registration system. As explained above in part 7403.0700, the amount of the application fee and the registration system have changed since the initial adoption of these rules. Therefore, a new refund schedule has been proposed.

Subpart 1 allows for a refund of the application fee if a person surrenders the plates to the department within 45 days of original issuance. The refund allows a person, who changes his or her mind, or who receives the plates as a gift but does not want them, to return the plates and apply for a refund. Based on department experience, 45 days is a reasonable amount of time for the person to determine whether or not they want to keep the plates or whether they want to return the plates and apply for a refund.

Item A. Item A has been deleted because the refund for lost or stolen plates is no longer necessary. See part 7403.0600 for an explanation of the change in policy with regard to lost or stolen plates.

Subpart 3. Nonuse. Subpart 3 has been repealed because subpart 1 now provides for the condition under which a refund is allowed. Therefore, this subpart is unnecessary.

7403.0850 RECALL OF PERSONALIZED PLATES.

Part 7403.0850 sets forth information regarding the notice that a person will receive if the persons plates are recalled. Plates may be recalled under Minnesota Statutes, section 168.12, subdivision 2a, due to a complaint and subsequent determination that the character combination used on the plate is of an obscene, indecent, or immoral nature, or of a nature that would offend public morals or decency.

Items A through E. Items A through E provide the owner of the character combination with the background information as to why his or her character combination is being recalled.

Item F. Item F lists the options that are available to the owner if the plate combination is being recalled. The owner may obtain another plate combination for no additional fee or the owner may obtain a regular plate and receive a prorated refund of their original application fee under the fee schedule provided for in this item.

The refund is prorated over a period of five years. The five year refund is based on the five year retention schedule of license plate application records. According to the retention schedule, license plate applications are destroyed after five years. Refunds are based on those application records. Therefore, once the records are destroyed, the department is not authorized to issue a refund. Record retention schedules are approved by the Department of Administration under Minnesota Statutes, section 138.17.

7403.0900 ASSIGNMENT AND TRANSFER OF SPECIAL PLATES.

Subpart 1. In general. The subpart has been expanded to cover all special plates, including personalized plates.

Subpart 2. Transfer. In this subpart, item C, requiring surrender of plates upon a transfer, has been eliminated. As previously discussed under part 7403.0600, it is no longer necessary to surrender plates because of the information that is now available to law enforcement agencies regarding plate ownership from the department's registration system. Law enforcement can readily determine which plates are valid for display on any vehicle.

Elimination of the requirement for surrender of plates provides better service to the customer and more efficient administration in the issuance of plates by being able to offer registration by mail.

Subpart 3. Election to transfer plates. The amendment in subpart 3 clarifies that special plates can only be transferred to eligible individuals and vehicles. There are specific statutory requirements that prohibit the transfer of plates to certain individuals or vehicles. For example, under Minnesota Statutes, section 168.123, a Korean veteran plate can only be displayed on a vehicle by a veteran of the Korean conflict. Under Minnesota Statutes, section 168.128 limousine plates may not be transferred to a vehicle owned by another person, but may only be transferred to another limousine owned by the same person upon notifying the registrar.

The final amendment in subpart 3, notifies the owner of a personalized plate that upon sale of a vehicle, the plate will be considered assigned to a new eligible owner unless the owner follows the procedures in subpart 4 to retain the plate. The rule points out that it is the responsibility of the seller to obtain regular plates or notify the department if he or she wishes to retain the plate combination.

Subpart 4. Election to retain plates. The amendment in subpart 4 adds an additional step that the owner of specialized plates must take if the owner sells the vehicle and wishes to retain the use of the special plates. In most cases, the owner will have to obtain regular plates for the vehicle being sold if the owner wishes to retain the special plate. However, there are a limited number of exceptions under which a person will not have to obtain regular plates. The owner will not have to obtain regular plates if the owner provides written notification to the department before the sale that one of the exceptions applies, what the disposition of the special plates will be and whether the owner wishes to retain the right to use the special plate.

This additional procedure, of notification to the department, actually protects the owner's right to retain the special plates. For example, there have been cases where an owner of a special plate sold a car to an insurance company without obtaining regular plates for the car thinking the car would be junked. However, the insurance company re-sold the car to another buyer. Because regular plates were not obtained for the car, the special plates were automatically assigned to the buyer who purchased the car from the

insurance company. Under that example, the original owner of the plate combination lost the right to use that combination.

Therefore, instead of just assuming that a car going to an insurance company will be junked and never resold, the rule amendment puts the burden on the owner to get regular plates for the vehicle being sold or to notify the department and inform the department as to the disposition of the plates and that the owner wishes to retain the plate. Once the department is notified that vehicle is sold to a junk yard and that the owner wishes to retain the right to the plate combination, the department will provide a fictitious plate number on the motor vehicle record for the car that was sold. The motor vehicle registration record will show that the special plate combination is no longer registered to the sold vehicle. The special plate combination will then be reserved for the original owner.

Subpart 5. Surrender of other plates. Subpart 5, requiring the surrender of the regular numbered plates at the time the personalized plates are issued, has been repealed. As previously explained in part 7403.0600 the department no longer requires the surrender of plates.

7403.1000 INITIAL ISSUE.

Part 7403.1000 has been repealed. This section was used to administer the initial issuance of personalized plates in 1976 and is no longer relevant to the issuance of personalized plates today.

7403.1100. RESERVATION DATE.

Part 7403.1100 has been repealed. This part required the owner of personalized plates to notify the department 60 days in advance of their license plate renewal date if they wished to reserve their plate combination. The 60 day notification period was necessary so that the new plates would be available upon renewal.

The 60 day notification requirement is no longer necessary because of a change in Minnesota Statutes, section 168.09, subdivision 7. The statute now allows the department to issue a 60 day permit to the person when they renew their plate. The 60 day permit provides proof that taxes were paid. During the 60 day period the person's new license plates will be manufactured.

7403.1300 PLATE AND VALIDATION STICKER FEES.

Part 7403.1300 is a new part that is added to conform to legislative changes with regard to the fee that is imposed for the cost of license plates and validation stickers. Minnesota Statutes, section 168.12, subdivision 5, was amended by Minnesota Laws 1992, chapter 581, section 7, to read:

In addition to any fee otherwise authorized or any tax otherwise imposed upon any motor vehicle, the payment of which is required as a condition to the issuance of any number license plate or plates, the commissioner of public safety may impose a fee ~~of $2 for a~~ that is calculated to cover the cost of manufacturing and issuing the license plate...

In addition, Minnesota Statutes, section 168.29, was amended by Minnesota Laws 1992, chapter 581, section 11, to read:

In the event of the defacement, loss or destruction of any number plates or validation stickers, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates or validation stickers, together with any defaced plates or stickers and the payment of ~~the~~ a fee ~~of $5~~ calculated to cover the cost of replacement, shall issue a new set of plates... or stickers.

In accordance with the 1992 legislative amendments, this rule part sets forth fees that are calculated to cover the cost of manufacturing and issuing license plates and validation stickers. The costs are based on expenditures for fiscal year 1992.

Subpart 1. General information. Subpart 1 sets forth general information regarding what the plate fee is. The plate fee covers only the cost of manufacturing and issuing the license plate and validation sticker. Section 168.12, subdivision 5, provides that the plate fee is in addition to any other authorized fees or any tax otherwise imposed upon the motor vehicle. Such other fees and taxes include: titling, transfer and filing fees, registration tax, fees required to transfer the plate to another vehicle, and yearly display fees or contributions.

The department issues license plates for every vehicle required to be registered in Minnesota. License plates issued to passenger automobiles and dealer license plates are replaced at seven year intervals: all other license plates are issued for the life of the vehicle. Registration is renewed by affixing a validation sticker to the lower right corner of each license plate.

Subpart 2. Original issuance. Subpart 2 sets forth the fee for plates which will be imposed upon original issuance of the plate. The plate fee is based on the cost of manufacturing and issuing of the plates. The breakdown of the costs of issuing and manufacturing plates is set forth in Appendix A, pages 1 through 4. As page 1 of appendix A illustrates, the total expenditure is based on the Managers Financial Report, from the Statewide Accounting System.

The figures that are used in the worksheet are 1992 fiscal year numbers, with adjustments. The adjustments on the worksheet are necessary to show the materials and incomplete plates that remain at the end of the fiscal year. Materials that remain at the end of the fiscal year are used in the next fiscal year. The cost of the materials carried over into the next fiscal year is shown in the adjustments column on page 1 of appendix A.

In fiscal year 1992, the department expended over $1,800,000 in the manufacturing and issuance of plates and validation stickers, as shown on page 1 of appendix A. Page 2 of appendix A shows that approximately 17 percent of the $1,708,295 was expended on the manufacturing and issuing of validation stickers and 83 percent was expended on the manufacturing of plates.

Page 3 and page 4 of the worksheet in appendix A provide a further breakdown of the expenditures for plates and stickers. Page 3 is a breakdown of the plate expenditures into various plate categories. The plate expenditures are divided into six categories, under items A and B, as follows:

A.	Sequenced double plate	2.50
	Sequenced special plate-double	3.50
	Sequenced single plate	1.50
	Sequenced special plate-single	2.75

B.	Non-sequenced double and collegiate plate	9.75
	Non-sequenced single plate	9.00

A sequenced plate is one that is numbered according to the department's numbering system. Sequenced plates are made in sequential order and include regular numbered plates and the majority of special plates such as veterans plates. Non-sequenced plates are only personalized plates, amateur radio operator plates, and citizen band operator plates. These special plates have letters and numbers that are chosen by the individual or reflect the call letters of the person's radio station or citizen's band.

The expenditure for the manufacturing and issuing of plates is broken down into a limited number of categories of plates for ease of administration. Currently, the department manufactures 40 different categories of license plates. Some categories of plates cost more to produce because of additional time and material. However, it is not administratively feasible to have separate plate costs for each of the 40 categories. Plates are issued by the department and through 167 separate deputy registrar offices located throughout the state. Using the two general categories of sequenced and non-sequenced for plate costs will make it easier for deputy registrars to issue the plates. Fewer plate categories will mean less training time for deputies, less paperwork and fewer errors in issuing plates, which ultimately leads to better customer service.

The categories were divided up into sequenced and non-sequenced plates because there is the largest cost differential between these categories of plates in the time and expense required to manufacture the plates. The division between sequenced and non-sequenced was also reasonable because of the additional handling time that is needed to process the license plate application and issue the non-sequenced plates by division staff, as shown on page 3 of appendix A. The additional handling and cost is set forth on page 3 of appendix A.

A division in plate fees was also made between single and double plates. This is a reasonable division because not all plates are purchased in pairs. For example, motorcycle and utility trailer plates are single plate purchases. Such plates are also smaller, seven inches as opposed to twelve inches. Therefore, a breakdown between single and double plates was made to avoid having a person pay as much for a single plate as for two plates. Even though a person will pay less for a single plate, the fee will not be half of a double plate. This is because the overhead costs are the same for all plates, but the material costs are half for a single plate. Overhead costs consist of time, salary, electricity, and other non-material fixed costs. It takes the same amount of time to make a double plate as it does a single plate, only the material costs will increase for double plates.

The plate fees in items A and B also include handling costs. Handling costs are part of the issuing costs. In item A, the handling fee is only assessed if a person is issued special plates. Therefore, a sequenced special plate will cost more than a regular numbered sequence plate. A person is assessed a handling charge for purchasing special plates because of the additional staff time required to process and issue the plates. A person who purchases special plates, such as veterans plates, has to fill out a special application for the plates. The plates have to be specially manufactured and then distributed to that person. On the other hand, a person who obtains regular plates can be issued pre-manufactured plates over the counter without any additional handling or processing time by the staff.

Collegiate plates are authorized under Minnesota Statutes, section 168.129. Under subdivision 1 of the statute, the commissioner is authorized to design special collegiate plates after consulting with each participating college, university or post-secondary system. To date, the department has not issued any collegiate plates. However, the department is

working with a small number of colleges in designing collegiate plates. It is anticipated that only a small number of collegiate plates will be manufactured in this fiscal year. The cost of manufacturing and issuing the collegiate plates is comparable to other non-sequenced plates.

Under item B, the handling charge for non-sequenced plates is added into the total plate cost. There is one total fee cost for non-sequenced plates because all non-sequenced plates require additional handling. As the worksheet on appendix A, page 3 illustrates, the non-sequenced double plate cost is $5.24 and the single plate cost is $4.33. The handling charge for each of the single and double plates is $4.44. For convenience in administering the fee, the two costs were added together for one fee.

The costs for the plates were rounded up to the nearest quarter. As previously mentioned, the majority of plates are issued through the deputy registrar offices throughout Minnesota. Deputy registrars are responsible for collecting motor vehicle fees and depositing the fees in a state depository within 24 hours at the end of each working day. Fees that are rounded off will provide for easier record keeping and accounting for the deputy registrar offices so they can make their deposit in the required amount of time. The deputy registrar offices can be assessed additional money for not meeting the deadline for depositing state funds. Deputy registrars are small businesses that are limited in the number of staff available. If the fees are easy to assess and easy to process, the deputy registrars will not be overly burdened with these new fees.

Subpart 3. Duplicate plates. Subpart 3 states that duplicate plate fees will be the same as the fees assessed upon original issuance of the plate in subpart 2. This section is based on the legislative amendment to Minnesota Statute, section, 168.29, as previously mentioned in subpart 2 above, that allows the department to charge for the cost of manufacturing and issuing duplicate plates.

Subpart 4. Duplicate validation sticker fees. Under Minnesota Statutes, section 168.29, the department is authorized to charge the cost of manufacturing and issuing validation stickers when stickers are lost, defaced or otherwise destroyed. This section sets forth the fees for duplicate validation stickers. Validation stickers issued with original issuance plates are included in the cost of issuing the license plate under subpart 2.

Like the cost of license plates, the breakdown of the costs for validation stickers is shown in appendix A. As shown on page 2 of appendix A, 17 percent of the total expenditure from page 1 of appendix A is spent on manufacturing validation stickers. Page 4 of appendix A shows the breakdown of validation stickers based on the size of the sticker. Because the cost to produce each of the three size stickers is under ten cents, all stickers will be priced at ten cents for ease of administration. The handling charge per sticker is 50 cents, as shown on page 4 of appendix A, for a total charge of 60 cents per sticker. However, to reduce the burden on deputy registrar offices in the assessment of the fee, the fee for duplicate stickers will be rounded off to 50 cents.

7403.1400 INTERNATIONAL FUEL TAX AGREEMENT DECAL FEE.

The International Fuel Tax Agreement (IFTA) is an agreement among jurisdictions for the uniform collection and distribution of fuel use tax revenues. IFTA is a national program under which motor carriers will only have to deal with a single jurisdiction for fuel use tax licensing and reporting, instead of several jurisdictions as some motor carriers are doing now. Federal legislation has been passed and mandates that all jurisdictions comply with the fuel use tax reporting procedures under IFTA by 1996.

IFTA requires carriers to display a decal which indicates that the fuel taxes have been paid in their base jurisdiction. IFTA allows member jurisdictions to charge decal fees. The authority for Minnesota to charge a decal fee has been codified in Minnesota Statutes, section 296.171, subdivision 10, which was first enacted in Minnesota Laws 1992, chapter 581, section 20. Subdivision 10 provides, in part:

> The commissioner of public safety may issue and require the display of a decal or other identification to show compliance with subdivision 5. The commissioner may charge a fee to cover the cost of issuing the decal or other identification.

Minnesota has been issuing fuel decals for several years. However, the department has never charged carriers for the decal. With the passage of the authority to charge a fee for the decals in 1992, the department will start charging for the decal in the 1993 registration period.

This part sets forth the fee that will be charged carriers for the cost of the fuel decal sticker. Carriers will be charged a fee of 50 cents for the decal. The figures showing the breakdown of the cost per decal are found in the worksheet in appendix B. The worksheet states that for fiscal year 1993, the department estimates that a total of $72,985.17 will be expended in the production of the decals. That total amount was divided by the total number of decals that the department anticipates will be produced for 1993. This calculation resulted in a figure of 51 cents per decal. The cost per decal of 51 cents was rounded off to 50 cents for ease of administration and issuance.

It is anticipated that the decal fee will not change each calendar year unless the number of decals produced significantly increases. The department figures will be reevaluated each year to determine whether a change in decal fees is warranted.

Based on the foregoing, the department's proposed rules are both necessary and reasonable.

10-21-92
Date

Thomas H. Frost, Commissioner
Department of Public Safety

APPENDIX A

MANAGERS FINANCIAL REPORT

AID 537209 LICENSE PLANT MANUFACTURING - HIGHWAY USER

LINE OBJECT ITEM CODE	AMOUNT PAID & OBLIGATIONS FY 92	ADJUSTMENTS FROM FY 91	ADJUSTMENTS INTO FY 93	ADJUSTED TOTAL AMOUNT PAID & OBLIGATIONS
0 PERSONAL SERVICES:				
01 REGULAR CLASSIFIED	392,570	0	0	392,570
06 PREMIUM PAY	0	0	0	0
07 OVERTIME PAY	550	0	0	550
08 MISCELLANEOUS PAYROLL	50,000	0	0	50,000
09 MISC EMPLOYEE BENEFITS	12,826	0	0	12,826
90 INDIRECT COSTS	67,389	0	0	67,389
TOTAL 0	523,335	0	0	523,335
1 EXPENSES/CONTRACTUAL SERVICES:				
12 REPAIRS/ALTERATIONS/MAINT	14,000	0	0	14,000
13 BONDS & INSURANCE	1,126	0	0	1,126
14 PRINTING & BINDING	9,893	0	0	9,893
18 PURCHASED SERVICES	11,185	0	0	11,185
TOTAL 1	36,204	0	0	36,204
2 MISC OPERATING EXPENSES				
20 COMMUNICATIONS	0	0	0	0
21 TRAVEL, IN-STATE	4,000	0	0	4,000
23 UTILITY SERVICE	117,000	0	0	117,000
26 TAXES/ASSESS/SHARED REVENU	0	0	0	0
27 STUDEN/PATIENT/INMATE ACTV	1,200	0	0	1,200
29 FEES & OTHER FIXED CHARGES	201	0	0	201
TOTAL 2	122,401	0	0	122,401
3 SUPPLIES/MATERIALS/PARTS				
30 SUPPLIES/MATERIALS/PARTS	957,331	172,270	(111,284)	1,018,318
TOTAL 3	957,331	172,270	(111,284)	1,018,318
4 CAPITAL EQUIP-$500 & UP				
40 CAPITAL EQUIP-$500 & UP	8,037			8,037
TOTAL 4	8,037	0	0	8,037
TOTAL AID 537209	1,647,308	172,270	(111,284)	1,708,295

LINE OBJECT ITEM CODE	AID 536912	DVS MAIL COSTS	
2 MISC OPERATING EXPENSES			
20 COMMUNICATIONS	52,133.75		52,134

LINE OBJECT ITEM CODE	AID 536904, 536912, 536854, 536847	DVS HANDLING	
0 PERSONAL SERVICES			
01 REGULAR CLASSIFIED	42,142.26		42,142

THE MANAGERS FINANCIAL REPORT, FOR AID 537209, INCLUDES ALL REFORMATORY COSTS. THE LINE TOTALS ARE SPLIT INTO STICKER SHOP AND LICENSE PLANT USING THE MULTIPLIERS BELOW. THE LICENSE PLANT TOTALS ARE BROKEN DOWN FURTHER USING OPERATING SPEED MULTIPLIERS.

EXPENDITURE SPLIT BY ACTIVITY FOR AID 537209 ‡

STICKER % 0.17142 LICENSE % 0.82858

	TOTAL STICKER SHOP EXPENDITURES	LICENSE PLANT - EMBOSSING - BLANKING	PAINT/PCKGNG	SEQUENCED	NON-SEQNCD	TOTAL EXPENDITURES
		0.3177	0.4289	0.2226	0.0308	1.0000
0 PERSONAL SERVICES TOTAL:	89,710	137,765	185,999	96,517	13,344	433,625
1 EXPENSES/CONTRACTUAL SERVICES TOTAL:	6,206	9,530	12,867	6,677	923	29,998
2 MISC OPERATING EXPENSES TOTAL:	20,982	32,221	43,503	22,574	3,121	101,419
3 SUPPLIES/MATERIALS/PARTS TOTAL:	174,560	843,758	NA	NA	NA	843,758
4 CAPITOL EQUIP-$500 & UP TOTAL:	1,378	2,116	2,856	1,482	205	6,659
TOTAL AID 537209	292,836	1,025,390	245,226	127,250	17,593	1,415,459

‡ EXPENDITURE SPLIT IS BASED ON MATERIAL PURCHASED FOR EACH ACTIVITY.

PER ITEM LICENSE PLATE COSTS

NUMBER OF PLATES	SEQUENCED DOUBLE PLATE COST	SEQUENCED SINGLE PLATE COST	NON-SEQUENCED DOUBLE PLATE COST	NON-SEQUENCED SINGLE PLATE COST	ACTIVITY
1,272,889	1.6111	0.8056	1.6111	0.8056	BLANKING
666,280	0.3681	0.3681	0.3681	0.3681	PAINTING/PACKAGING
601,015	0.1926	--	--	--	EMBOSSING, SEQUENCED, DOUBLE PLATES
59,557	--	0.1926	--	--	EMBOSSING, SEQUENCED, SINGLE PLATES
5,594	--	--	3.0822	--	EMBOSSING, NON-SEQUENCED, DOUBLE PLATES
114	--	--	--	3.0822	EMBOSSING, NON-SEQUENCED, SINGLE PLATES
	0.1001	0.0356	0.1001	0.0356	STICKER MATERIAL COSTS
	0.0819	0.0410	0.0819	0.0410	DVS MAILING
	2.35	1.44	5.24	4.33	TOTAL
	1.11	1.11	4.44	4.44	ADD FOR DVS SPECIAL HANDLING‡‡

‡‡ DVS HANDLING IS BASED ON 13.31/HR FOR DVS CLERK 2 STAFF TIME OF 20 MIN. FOR NON-SEQUENCED PLATES AND 5 MIN. FOR SEQUENCED, SPECIALLY HANDLED PLATES.

PER ITEM COST - STICKERS

STICKER SIZE	STICKERS MADE	% OF MATERIALS	MATERIAL COSTS	OTHER COSTS	TOTAL PER ITEM COST
1" x 1"	263,300	0.022	3,805	5,575	0.0356
1" x 3"	4,932,350	0.817	142,542	104,433	0.0501
3" x 3"	390,500	0.162	28,213	8,268	0.0934
TOTAL	5,586,150	1.000	174,560	118,276	
ADD FOR DUPLICATE STICKERS DVS HANDLING‡‡ OF					0.4437

‡‡ DVS HANDLING IS BASED ON 13.31/HR FOR DVS CLERK 2 STAFF TIME OF 2 MIN. FOR DUPLICATE STICKERS.

APPENDIX B

STATE OF MINNESOTA
DEPARTMENT OF FINANCE
ALLOTMENT DETAIL

PAGE 1 OF

FISCAL YEAR ENDING JUNE 30, 1993

ENTERED BY _____

ANNUAL BUDGET (00)

SUPPL. BUDGET (01) x NO. _____

DEPARTMENT 07
DIVISION 700
PROGRAM 07

PUBLIC SAFETY

BUDG. ACT. 72
MGMT. ACT. 721

APPROPRIATION

INDEX:ITEM - FUND: 23700:01-28 /00

ACCOUNT - FY AID NAME		AID DECALS	FY	AID Cost per decal	FY	AID	FY	AID	FY
OBJECT NAME - CODE		TRANS. DATE AMOUNT	TR. #	TRANS. DATE AMOUNT	TR. #	TRANS. DATE AMOUNT	TR. #	TRANS. DATE AMOUNT	TR. #
REG. CLASSIFIED	01	31,930.00		0.22					
REG. UNCLASSIFIED	02								
P.T. SEASONAL	03								
SEVERANCE PAY	04								
PREMIUM PAY	06								
OVERTIME PAY	07								
MISC. PAYROLL	08								
OTHER BENEFITS	09								
RENTS & LEASES	10	1,290.00		0.01					
ADVERTISING	11								
REPAIRS & MAINT.	12								
BONDS & INSURANCE	13								
PRINTING & BINDING	14	427.00		0.00					
CONSULTANT SERVICES	15								
PROF. & TECH. SERVICES	16								
DATA PROCESSING	17								
PURCHASED SERVICES	18								
COMMUNICATIONS	20	20,360.00		0.14					
TRAVEL IN-STATE	21								
TRAVEL OUT-STATE	22								
CLAIMS, FINES, AWARDS	28								
MEMBERSHIPS & FEES	29								
SUPPLIES	30	14,310.00		0.10					
EQUIPMENT	40								
INDIRECT COSTS	90	4,668.17		0.03					
AID IND.-NON MED.	71								
GRANTS TO CITIES	72								
GRANTS TO TOWNS	73								
GRANTS TO COUNTIES	74								
GRANTS TO SCHOOL DIST.	75								
GRANTS OTHER GOVT.	78							n	n
GRANTS NON-GOVT.	79								
ADVANCES	83								
REVENUE REFUNDS	84								
TOTAL ALLOTMENTS		72,985.17		0.51		0.00		0.00	

Percentages based upon 144,000 decals

STATE OF MINNESOTA

Office of the Attorney General

TO : DAVE ORREN
Department of Public Safety
211 Transportation

DATE : January 7, 1993

FROM : AMY V. KVALSETH
Special Assistant
Attorney General

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates

The above-referenced rule has been approved as to its legality by the Attorney General on January 7, 1993.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

Enclosures
cc: Ron Latz
William Brown, Chief Judge
MaryAnn Hruby

AVK:jj.rules.bf6

Department of Public Safety

Adopted Permanent Rules Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates

Rules as Adopted

7403.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms have the meanings given them.

[For text of subps 2 and 3, see M.R.]

Subp. 3a. **Plates.** "Plates" means either regular plates or special plates unless otherwise specified.

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

Subp. 5. [See repealer.]

Subp. 6. **Regular plates.** "Regular plates" means sequentially numbered and lettered plates that are issued by the division to an applicant's vehicle.

Subp. 7. **Special plates.** "Special plates" means plates that are issued by the division to an owner for the exclusive use on the vehicle described in the application. Special plates include personalized plates.

Subp. 8. **Validation sticker.** "Validation sticker" means a license plate sticker, with a control number, which designates weight or expiration date.

7403.0200 PURPOSE.

The purpose of this chapter is to implement and provide effective administration for issuing and transferring plates as provided by Minnesota Statutes, chapter 168.

7403.0300 SCOPE.

The scope of this chapter is intended to be consistent with the provisions of Minnesota Statutes, chapter 168.

7403.0400 PLATES; FORMAT AND CONTENT.

Subpart 1. **Characters.** The characters displayed upon a

Approved by Revisor

plate may be only:

A. the following uppercase letters: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z; and

B. the following numbers: 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Subp. 2. **Statutory specifications.** The plates must be manufactured with the paint color, character size, character type style, reflective material, and other specifications used by the division for vehicles registered under Minnesota Statutes, section 168.017, for the appropriate plate year.

Subp. 3. [See repealer.]

Subp. 4. **Characters limited.** Plates must have all of the following character limitations:

A. Plates must have at least one full-size letter or number.

B. Stacked characters must count as one full-size character. Stacked characters are two letters or numbers that occupy one space in which one letter or number is placed directly above the second letter or number.

C. No characters other than those specified in subpart 1, items A and B, will be permitted on a personalized plate. Stacked characters are not permitted on a personalized plate.

Subp. 5. **Duplication.** No plate may be a duplicate of any current plate or a duplicate of any plate in a numbering system used by the division.

Subp. 6. **Division plate combinations.** No plate used or reserved by the division for a specific type of vehicle may be recalled from storage and destroyed in order that the combination may be issued again as a plate for another type of vehicle.

Subp. 7. **Spacing and hyphenation.** An applicant may elect to group characters by spacing or hyphenation on a personalized plate. Hyphens must not be used consecutively. A space or hyphen is not a character. Hyphens and spaces must count toward

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by Revisor _____

the total number of characters allowed on a plate. Combinations of characters, spaces, or hyphens totaling more than seven will be rejected. If the total of characters, spaces, or hyphens is less than seven, the division shall have the right to center the characters, spaces, or hyphens on the plate.

Subp. 8. **Unique symbols and weight designation stickers.** Unique symbols, determined by the department, and weight designation stickers may be required on a plate. A unique symbol or weight designation sticker is not a character. Unique symbols or weight designation stickers, when required, must count toward the total number of characters.

Subp. 9. **Multiple owners; special plates.** If the original application for a special plate is for a vehicle owned or leased by more than one person, ~~all owners~~ at least one owner or ~~all lessees~~ lessee must sign the application.

7403.0500 PERSONALIZED PLATE APPLICATION; CONTENTS AND REVIEW.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

7403.0600 REPLACEMENT OF PERSONALIZED PLATES.

Subpart 1. **Loss, theft, ~~or~~ destruction, or scheduled replacement.** In the event of the loss, theft, ~~or~~ destruction, or scheduled replacement of the personalized plate issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new set of personalized plates with the same combination of characters. The written statement must be on a form prescribed by the division.

Subp. 2. [See repealer.]

7403.0800 REFUNDS FOR SPECIAL PLATES.

Subpart 1. **Conditions.** Prorated refunds of the application fee for special plates may be made if the owner returns the unused special plates to the department, within 45 days of original issuance as indicated on department records.

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

Subp. 3. [See repealer.]

7403.0850 RECALL OF PERSONALIZED PLATES.

If, as a result of a written complaint, the division considers a personalized character combination currently in use to be obscene, indecent, or immoral, the owner of the character combination must be notified, in writing, of the following:

A. that a complaint has been received regarding the character combination;

B. the nature of the complaint;

C. that the division finds the complaint to be valid;

D. the reason the division finds the complaint to be valid;

E. that the character combination is no longer valid after 30 days from the date the notice was mailed; and

F. that the owner of the plate is entitled to:

(1) a different personalized character combination for no additional fee; or

(2) a replacement regular plate for no additional fee and a prorated refund of the application fee if the personalized plate is returned within the first five years of original issuance, as follows:

(a) first year, 100 percent;

(b) second year, 80 percent;

(c) third year, 60 percent;

(d) fourth year, 40 percent;

(e) fifth year, 20 percent; or

(f) sixth and seventh years, zero percent.

7403.0900 ASSIGNMENT AND TRANSFER OF SPECIAL PLATES.

Subpart 1. **In general.** Special plates, as specified in Minnesota Statutes, chapter 168, are assigned by the division to an owner for the exclusive use on the vehicle described in the application.

Subp. 2. **Transfer.** Special plates may be transferred to another vehicle owned by the applicant upon:

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by Revisor _____

A. written notification, on a form prescribed by the registrar, to the registrar;

B. payment of the prescribed transfer fee as provided by Minnesota Statutes, chapter 168; and

C. registration of the vehicle in Minnesota.

Subp. 3. **Election to transfer plates.** If an owner sells a vehicle to which special plates have been issued, the owner may elect to transfer the special plates with the vehicle to an eligible buyer or vehicle. Eligibility is determined by the particular provision in Minnesota Statutes, chapter 168, governing the issuance of the particular special plate. The buyer of the special plates shall submit the necessary information, on a form prescribed by the registrar, to verify eligibility for the special plates.

Upon transferring the special plates to an eligible buyer, the owner automatically assigns to the buyer the right to reserve that combination of characters and the right to any refund of the personalized plate fees.

Special plates are considered assigned to the buyer of the vehicle unless the owner elects to retain the plates according to the procedures in subpart 4.

Subp. 4. **Election to retain plates.** If an owner sells a vehicle to which special plates have been issued and elects to retain the special plates, it is the responsibility of the owner or the owner's agent to apply for regular plates before the vehicle is sold. However, the owner is not required to obtain regular plates before the vehicle is sold if~~:~~

~~A.~~ the owner notifies the department, in writing:

~~(1)~~ A. of the disposition of the special plates; ~~and~~

~~(2)~~ B. whether the owner will retain the rights to the plate combination; and

~~B.~~ C. if the vehicle will be sold to:

(1) a junk yard, scrap yard, insurance company, or salvage pool because the vehicle was severely damaged or because the vehicle will be dismantled or destroyed;

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(2) an out-of-state buyer and plates will be secured in the buyer's home state; or

(3) a buyer who holds special plates for the buyer's own use.

Subp. 5. [See repealer.]

7403.1200 DAILY SEQUENCING OF PERSONALIZED PLATE APPLICATIONS.

Each application for personalized plates will be date-stamped by the receiving office. In the central office, applications bearing the same stamped date will be selected at random and numbered in ascending order. Applications with the same date will then be reviewed and character combinations approved for manufacture pursuant to parts 7403.0400 and 7403.0500 in ascending numerical sequence.

7403.1300 PLATE AND VALIDATION STICKER FEES.

Subpart 1. **General information.** The plate fees contained in this part include only the costs of manufacturing and issuing plates and validation stickers. The fees in this part do not include:

A. titling, transfer, or filing fees;

B. registration tax;

C. fees required to transfer the plate to another vehicle; or

D. yearly display fees or contributions.

Subp. 2. **Original issuance.** Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the first issuance of a plate in a plate year:

A.	Sequential Double Plate	$2.50
	Sequential Special Plate-Double	3.50
	Sequential Single Plate	1.50
	Sequential Special Plate-Single	2.75
B.	Nonsequential Double and Collegiate Double Plate	9.75
	Nonsequential Single Plate	9.00

Subp. 3. **Duplicate plates.** Duplicate plate fees apply for plates that are issued when the original plates are scheduled for replacement, lost, stolen, destroyed, or otherwise become unserviceable ~~and no new plate is issued~~. The duplicate plate

Approved by Revisor _____

fees are the same as for original issuance in subpart 2.

Subp. 4. **Duplicate validation sticker fees.** Duplicate validation sticker fees apply to validation stickers that are issued when the original validation stickers are lost, stolen, destroyed, or otherwise become unserviceable and no new plate is issued. The duplicate sticker fee is 50 cents per sticker.

7403.1400 INTERNATIONAL FUEL TAX AGREEMENT DECAL FEE.

The fee for original and duplicate International Fuel Tax Agreement decals is 50 cents per decal.

REPEALER. Minnesota Rules, parts 7403.0100, subpart 5; 7403.0400, subpart 3; 7403.0500, subpart 2; 7403.0600, subpart 2; 7403.0700; 7403.0800, subpart 3; 7403.0900, subpart 5; 7403.1000; and 7403.1100, are repealed.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

1-7 19 93

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Tony V. Kuisbeth
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 8 1993

Joan Anderson Growe
Secretary of State

8:41 Am

RA

DRIVER AND VEHICLE SERVICES DIVISION
DRIVER LICENSE OFFICE
TRANSPORTATION BUILDING
395 JOHN IRELAND BLVD.
ST. PAUL, MN 55155-1886
612-296-6911

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

RECEIVED
JAN 05 1993
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
Paul, MN 55103

January 5, 1993

Amy Kvalseth
Office of the Attorney General
Suite 500
525 Park Street
St. Paul, MN 55103

Re: Rules Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates.

Dear Ms. Kvalseth;

Pursuant to our telephone conversation of January 4, 1993 I am submitting for your approval Supplemental Findings of Fact, Conclusions and Order Adopting Rules Without a Public Hearing and a copy of the above-entitled rules as modified on January 4, 1993. I am also enclosing the original letter dated January 4, 1993, signed by Commissioner Jordan requesting the withdrawal of the rules from the consideration of the Attorney General's review.

With the submission of the modified rules and supplemental finding to your office I am requesting that the review of the rules by the Office of the Attorney General be continued. Please notify me when the rules have been approved. I can be reached at 296-2608.

Sincerely,

Laura Nehl-Trueman

Laura Nehl-Trueman

STATE OF MINNESOTA
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 Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates.

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULES WITHOUT A PUBLIC HEARING

FINDINGS OF FACT

1. The Supplemental Findings of Fact, Conclusions and Order Adopting Rules Without a Public Hearing is in addition to the previous findings that were signed by the commissioner on December 21, 1992.

2. Additional modifications that have been made to the rules subsequent to the December 21, 1992 Findings of Fact, Conclusions and Order Adopting Rules Without a Public Hearing are as follows:

Part 7403.0900, subpart 4 has been amended as follows:

> If an owner sells a vehicle to which special plates have been issued and elects to retain the special plates, it is the responsibility of the owner or the owner's agent to apply for regular plates before the vehicle is sold. However, the owner is not required to obtain regular plates before the vehicle is sold if: ~~A.~~ the owner notifies the department, in writing:
>
> ~~(1)~~ A. of the disposition of the special plates; ~~and~~
>
> ~~(2)~~ B. whether the owner will retain the rights to the plate combination; and
>
> ~~B.~~ C. if the vehicle will be sold to:....

This amendment is a re-lettering of the items in subpart 4. The items were re-lettered to clarify that the owner not only needs to notify the department, in writing, of the disposition of the plates and whether the owner will retain the rights to the plate combination but also if the vehicle is sold in a manner listed under item C.

The amendment to subpart 4 is not a substantial change because it was the original intention of the department that if an owner wanted to retain his or her special plates, upon sale of the vehicle, the owner would have to provide written notification to the department of the exceptions listed in subpart 4. The notification procedure was further explained in the department's Statement of Need and Reasonableness and adequately informed the public of the type of information that must be provided to the department. (See pages 8 and 9 of the Statement of Need and Reasonableness.)

Therefore, the above-change is not substantial in that the change does not affect classes of persons who could not reasonably have expected to comment on the proposed rules as originally noticed.

The above-change is not substantial in that the change does not introduce

significant new subject matter which a reasonable person, on the basis of the proposed rules as originally noticed, would not have anticipated would occur during the rulemaking procedure.

The above-change is not substantial in that the change does not make a major substantive change that was not raised by the proposed rules as originally noticed in such a way as to invite reaction.

3. The Statement of Need and Reasonableness together with these findings, establish and justify the rational basis for the need and reasonableness of the rule as amended.

CONCLUSIONS

1. The department duly acquired and has jurisdiction over this proceeding.

2. The department published and served timely and adequate notice of intent to adopt the rule without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change.

5. The rules as amended are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as Rules of the State Department of Public Safety Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates as modified on January 4, 1993 are adopted this 5th day of January, 1993, pursuant to authority vested in me by Minnesota Statutes, section 299A.01, subdivision 6, and section 14.06.

Michael S. Jordan, Commissioner
Department of Public Safety

DRIVER AND VEHICLE SERVICES DIVISION
DRIVER LICENSE OFFICE
TRANSPORTATION BUILDING
395 JOHN IRELAND BLVD.
ST. PAUL, MN 55155-1886
612-296-6911

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

January 4, 1993

Amy Kvalseth
Office of the Attorney General
Suite 500
525 Park Street
St. Paul, MN 55103

Dear Ms. Kvalseth;

The Department of Public Safety hereby withdraws from consideration by the Office of the Attorney General the rules of the Department relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates.

Thank you.

Sincerely,

Michael S. Jordan

Michael S. Jordan
Commissioner

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

DRIVER AND VEHICLE SERVICES DIVISION

FAX NUMBER: (612) 296-3141

FACSIMILE MESSAGE

FAX NUMBER: 297 - 2576

DATE: 1-4-93 TIME: 2:30

NUMBER OF PAGES INCLUDING THIS PAGE: 2

DELIVER TO: Amy Kvalseth

FROM: Laura Nehl-Truman
296-2604

REMARKS:

I will submit the supplemental findings as soon as the revised rules are returned from the revisor's office.
Thank you.

DRIVER AND VEHICLE SERVICES DIVISION
DRIVER LICENSE OFFICE
TRANSPORTATION BUILDING
395 JOHN IRELAND BLVD.
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STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

January 4, 1993

Amy Kvalseth
Office of the Attorney General
Suite 500
525 Park Street
St. Paul, MN 55103

Dear Ms. Kvalseth;

The Department of Public Safety hereby withdraws from consideration by the Office of the Attorney General the rules of the Department relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates.

Thank you.

Sincerely,

Michael S. Jordan

Michael S. Jordan
Commissioner

Stat Authority 299A.01 subd 6

The commissioner of public safety shall have the power to promulgate rules pursuant to chapter 14 as are necessary to carry out the purposes

~~Stat~~ Stat 14.06

Each agency shall adopt rules in the form ~~as~~ prescribed by the revisor of statutes setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public.

168.123 subd 6

The register of motor vehicles shall issue special license plates bearing the inscription "Medal of Honor to an ~~applicat~~ applicant who is a recipient of the congressional methal of honor . . .

168.125 subd 3

The commissioner of public safety may promulgate by rule, in accordance with the provisions of chapter 14.

end of comment period Dec 9, 1992

---

findings of fact K (3)
They wrote (3) differtly for fees but O.K because it would ~~not~~, include ~~not~~ fees.

DRIVER AND VEHICLE SERVICES DIVISION
DRIVER LICENSE OFFICE
TRANSPORTATION BUILDING
395 JOHN IRELAND BLVD.
ST. PAUL, MN 55155-1886
612-296-6911

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

December 21, 1992

Rec 12-21-92

Ms. Patty Nolte
Legal Assistant
Public Finance Division
Office of the Attorney General
404 Capital Office Building
525 Park Street
St. Paul, Minnesota 55103

Re: In the Matter of the Adopted Rules of the State Department of Public Safety Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates.

Dear Ms. Nolte:

On December 21, 1992, the Minnesota Department of Public Safety adopted the above-entitled rules, and is requesting approval of the rules by the Office of the Attorney General. As required by Minnesota Rules, part 2010.0300, the Department is submitting the necessary documents for your review. Following is a list of the documents that are required under part 2010.0300, items A through R (proposed rules). For each document required in items A through R I have listed whether the document is enclosed and if the document is not enclosed, the reason why the document is not applicable to this rule.

A. Not enclosed: photocopy of the Notice of Solicitation of Outside Information or Opinions as published in the State Register. This document was not published because the agency did not seek to obtain information or opinions in preparing to propose the adoption of the rule from sources outside of the agency.

B. Not enclosed: copy of a rulemaking petition. This document is not applicable because there were no rulemaking petitions filed regarding these rules.

C. Not enclosed: certificate of an authorizing resolution or copy of a delegation of authority. This document is not applicable because the rules were not adopted through a multi-member agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a.

D. Enclosed: copy of the October 21, 1992 proposed rules with a certificate of approval as to form by the Revisor of Statutes attached.

E. Enclosed: copy of the Statement of Need and Reasonableness complying with part 2010.0700 in support of the proposed rules.

F. Enclosed: copy of the Affidavit of Mailing the Statement of Need and Reasonableness to the Legislative Commission to Review Administrative Rules.

G. Enclosed: copy of the dual notice which includes a Notice of Intent to Adopt Rules Without a Public Hearing, as mailed.

H. Enclosed: notice to the Chairs of the House Appropriations and Senate Finance Committees with attached corresponding affidavit.

I. Not enclosed: correspondence to the Legislative Commission To Review Administrative Rules, other appropriate Committees of the Legislature, and the Governor, pursuant to Minnesota Statutes, section 14.12. These documents are not applicable because there was no statutory mandate requiring rules to be promulgated and consequently there was not a 180 day deadline to publish the notice of intent to adopt the rule within the effective date of a statute.

J. Enclosed: copy of the Affidavit of Mailing Dual Notices of Intent to Adopt Rules and a copy of the Affidavit of Certificate of Mailing List. No discretionary notice was provided.

K. Enclosed: photocopy of the dual Notice of Intent to Adopt Rules, as published in the State Register on November 9, 1992.

L. Enclosed: three copies of the December 14, 1992, rules as adopted. The modifications to the proposed rules are reflected on the rules as adopted and are approved as to form by the Revisor of Statutes.

M Not enclosed: certificate of a resolution adopting the rules. This document is not applicable because the rules were not adopted by a multi-member agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a.

N Enclosed: copy of the Findings of Fact, Conclusions of Law, and Order Adopting Rules.

O. Not enclosed: copies of the written comments that were received by the Department except for requests solely for copies of the rules or of the Statement of Need and Reasonableness. There were no written comments, requests for a hearing, and no requests for submissions.

P. Enclosed: copy of the Declaration of Counsel signed by Special Assistant Attorney General Ron Latz.

Q. Not enclosed: notice of submission of the rules to the Attorney General. This document is not applicable because no persons requested notification of the date of submission of the rules to the Attorney General.

R. Not enclosed: affidavit of mailing of notice of submission of the rules to the Attorney General. This document is not applicable because no such notices were given.

If you have any questions about the enclosed documents or if you wish to discuss anything about the rules with me, please contact me at 296-2608. After you complete your review, please send any correspondence regarding the rules to me at the following address: Department of Public Safety, 208 Transportation Building.

Sincerely,

Laura Nehl-Trueman

Laura Nehl-Trueman
Administrative Rulewriter

enclosures

Department of Public Safety

Adopted Permanent Rules Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates

Rules as Adopted

7403.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms have the meanings given them.

[For text of subps 2 and 3, see M.R.]

Subp. 3a. **Plates.** "Plates" means either regular plates or special plates unless otherwise specified.

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

Subp. 5. [See repealer.]

Subp. 6. **Regular plates.** "Regular plates" means sequentially numbered and lettered plates that are issued by the division to an applicant's vehicle.

Subp. 7. **Special plates.** "Special plates" means plates that are issued by the division to an owner for the exclusive use on the vehicle described in the application. Special plates include personalized plates.

Subp. 8. **Validation sticker.** "Validation sticker" means a license plate sticker, with a control number, which designates weight or expiration date.

7403.0200 PURPOSE.

The purpose of this chapter is to implement and provide effective administration for issuing and transferring plates as provided by Minnesota Statutes, chapter 168.

7403.0300 SCOPE.

The scope of this chapter is intended to be consistent with the provisions of Minnesota Statutes, chapter 168.

7403.0400 PLATES; FORMAT AND CONTENT.

Subpart 1. **Characters.** The characters displayed upon a

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plate may be only:

A. the following uppercase letters: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z; and

B. the following numbers: 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Subp. 2. **Statutory specifications.** The plates must be manufactured with the paint color, character size, character type style, reflective material, and other specifications used by the division for vehicles registered under Minnesota Statutes, section 168.017, for the appropriate plate year.

Subp. 3. [See repealer.]

Subp. 4. **Characters limited.** Plates must have all of the following character limitations:

A. Plates must have at least one full-size letter or number.

B. Stacked characters must count as one full-size character. Stacked characters are two letters or numbers that occupy one space in which one letter or number is placed directly above the second letter or number.

C. No characters other than those specified in subpart 1, items A and B, will be permitted on a personalized plate. Stacked characters are not permitted on a personalized plate.

Subp. 5. **Duplication.** No plate may be a duplicate of any current plate or a duplicate of any plate in a numbering system used by the division.

Subp. 6. **Division plate combinations.** No plate used or reserved by the division for a specific type of vehicle may be recalled from storage and destroyed in order that the combination may be issued again as a plate for another type of vehicle.

Subp. 7. **Spacing and hyphenation.** An applicant may elect to group characters by spacing or hyphenation on a personalized plate. Hyphens must not be used consecutively. A space or hyphen is not a character. Hyphens and spaces must count toward

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the total number of characters allowed on a plate. Combinations of characters, spaces, or hyphens totaling more than seven will be rejected. If the total of characters, spaces, or hyphens is less than seven, the division shall have the right to center the characters, spaces, or hyphens on the plate.

Subp. 8. **Unique symbols and weight designation stickers.** Unique symbols, determined by the department, and weight designation stickers may be required on a plate. A unique symbol or weight designation sticker is not a character. Unique symbols or weight designation stickers, when required, must count toward the total number of characters.

Subp. 9. **Multiple owners; special plates.** If the original application for a special plate is for a vehicle owned or leased by more than one person, ~~all owners~~ at least one owner or ~~all lessees~~ lessee must sign the application.

7403.0500 PERSONALIZED PLATE APPLICATION; CONTENTS AND REVIEW.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

7403.0600 REPLACEMENT OF PERSONALIZED PLATES.

Subpart 1. **Loss, theft, ~~or~~ destruction, or scheduled replacement.** In the event of the loss, theft, ~~or~~ destruction, or scheduled replacement of the personalized plate issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new set of personalized plates with the same combination of characters. The written statement must be on a form prescribed by the division.

Subp. 2. [See repealer.]

7403.0800 REFUNDS FOR SPECIAL PLATES.

Subpart 1. **Conditions.** Prorated refunds of the application fee for special plates may be made if the owner returns the unused special plates to the department, within 45 days of original issuance as indicated on department records.

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

Subp. 3. [See repealer.]

7403.0850 RECALL OF PERSONALIZED PLATES.

If, as a result of a written complaint, the division considers a personalized character combination currently in use to be obscene, indecent, or immoral, the owner of the character combination must be notified, in writing, of the following:

A. that a complaint has been received regarding the character combination;

B. the nature of the complaint;

C. that the division finds the complaint to be valid;

D. the reason the division finds the complaint to be valid;

E. that the character combination is no longer valid after 30 days from the date the notice was mailed; and

F. that the owner of the plate is entitled to:

(1) a different personalized character combination for no additional fee; or

(2) a replacement regular plate for no additional fee and a prorated refund of the application fee if the personalized plate is returned within the first five years of original issuance, as follows:

(a) first year, 100 percent;

(b) second year, 80 percent;

(c) third year, 60 percent;

(d) fourth year, 40 percent;

(e) fifth year, 20 percent; or

(f) sixth and seventh years, zero percent.

7403.0900 ASSIGNMENT AND TRANSFER OF SPECIAL PLATES.

Subpart 1. **In general.** Special plates, as specified in Minnesota Statutes, chapter 168, are assigned by the division to an owner for the exclusive use on the vehicle described in the application.

Subp. 2. **Transfer.** Special plates may be transferred to another vehicle owned by the applicant upon:

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A. written notification, on a form prescribed by the registrar, to the registrar;

B. payment of the prescribed transfer fee as provided by Minnesota Statutes, chapter 168; and

C. registration of the vehicle in Minnesota.

Subp. 3. **Election to transfer plates.** If an owner sells a vehicle to which special plates have been issued, the owner may elect to transfer the special plates with the vehicle to an eligible buyer or vehicle. Eligibility is determined by the particular provision in Minnesota Statutes, chapter 168, governing the issuance of the particular special plate. The buyer of the special plates shall submit the necessary information, on a form prescribed by the registrar, to verify eligibility for the special plates.

Upon transferring the special plates to an eligible buyer, the owner automatically assigns to the buyer the right to reserve that combination of characters and the right to any refund of the personalized plate fees.

Special plates are considered assigned to the buyer of the vehicle unless the owner elects to retain the plates according to the procedures in subpart 4.

Subp. 4. **Election to retain plates.** If an owner sells a vehicle to which special plates have been issued and elects to retain the special plates, it is the responsibility of the owner or the owner's agent to apply for regular plates before the vehicle is sold. However, the owner is not required to obtain regular plates before the vehicle is sold if:

A. the owner notifies the department, in writing:

(1) of the disposition of the special plates; and

(2) whether the owner will retain the rights to the plate combination; and

B. if the vehicle will be sold to:

(1) a junk yard, scrap yard, insurance company, or salvage pool because the vehicle was severely damaged or because the vehicle will be dismantled or destroyed;

(2) an out-of-state buyer and plates will be

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secured in the buyer's home state; or

(3) a buyer who holds special plates for the buyer's own use.

Subp. 5. [See repealer.]

7403.1200 DAILY SEQUENCING OF PERSONALIZED PLATE APPLICATIONS.

Each application for personalized plates will be date-stamped by the receiving office. In the central office, applications bearing the same stamped date will be selected at random and numbered in ascending order. Applications with the same date will then be reviewed and character combinations approved for manufacture pursuant to parts 7403.0400 and 7403.0500 in ascending numerical sequence.

7403.1300 PLATE AND VALIDATION STICKER FEES.

Subpart 1. **General information.** The plate fees contained in this part include only the costs of manufacturing and issuing plates and validation stickers. The fees in this part do not include:

A. titling, transfer, or filing fees;

B. registration tax;

C. fees required to transfer the plate to another vehicle; or

D. yearly display fees or contributions.

Subp. 2. **Original issuance.** Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the first issuance of a plate in a plate year:

A.	Sequential Double Plate	$2.50
	Sequential Special Plate-Double	3.50
	Sequential Single Plate	1.50
	Sequential Special Plate-Single	2.75
B.	Nonsequential Double and Collegiate Double Plate	9.75
	Nonsequential Single Plate	9.00

Subp. 3. **Duplicate plates.** Duplicate plate fees apply for plates that are issued when the original plates are scheduled for replacement, lost, stolen, destroyed, or otherwise become unserviceable ~~and no new plate is issued~~. The duplicate plate fees are the same as for original issuance in subpart 2.

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Subp. 4. **Duplicate validation sticker fees.** Duplicate validation sticker fees apply to validation stickers that are issued when the original validation stickers are lost, stolen, destroyed, or otherwise become unserviceable and no new plate is issued. The duplicate sticker fee is 50 cents per sticker.

7403.1400 INTERNATIONAL FUEL TAX AGREEMENT DECAL FEE.

The fee for original and duplicate International Fuel Tax Agreement decals is 50 cents per decal.

REPEALER. Minnesota Rules, parts 7403.0100, subpart 5; 7403.0400, subpart 3; 7403.0500, subpart 2; 7403.0600, subpart 2; 7403.0700; 7403.0800, subpart 3; 7403.0900, subpart 5; 7403.1000; and 7403.1100, are repealed.

Approved
by Revisor _____

Department of Public Safety

Proposed Permanent Rules Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates

Rules as Proposed

7403.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms ~~shall~~ have the meanings ~~ascribed to~~ given them~~:~~.

[For text of subps 2 and 3, see M.R.]

Subp. 3a. **Plates.** "Plates" means either regular plates or special plates unless otherwise specified.

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

Subp. 5. [See repealer.]

Subp. 6. **Regular plates.** "Regular plates" means sequentially numbered and lettered plates that are issued by the division to an applicant's vehicle.

Subp. 7. **Special plates.** "Special plates" means plates that are issued by the division to an owner for the exclusive use on the vehicle described in the application. Special plates include personalized plates.

Subp. 8. **Validation sticker.** "Validation sticker" means a license plate sticker, with a control number, which designates weight or expiration date.

7403.0200 PURPOSE.

The purpose of this chapter is to implement and provide effective administration for ~~the issuance~~ issuing and ~~transfer of personalized~~ transferring plates as provided by Minnesota Statutes, ~~section 168.12, subdivision 2a~~ chapter 168.

7403.0300 SCOPE.

The scope of this chapter is intended to be consistent with the provisions of Minnesota Statutes, ~~section 168.12,~~

Approved by Revisor

~~subdivision-2a~~ chapter 168.

7403.0400 PLATES; FORMAT AND CONTENT.

Subpart 1. **Characters.** The characters displayed upon a ~~personalized~~ plate may be only:

A. the following uppercase letters: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z; and

B. the following numbers: 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Subp. 2. **Statutory specifications.** The plates ~~shall~~ must be manufactured with the paint color, character size, character type style, reflective material, and other specifications used by the division for vehicles registered ~~pursuant to~~ under Minnesota Statutes, section 168.017, for the appropriate plate year.

Subp. 3. [See repealer.]

Subp. 4. **Characters limited.** ~~No characters other than those specified in subpart 1, items A and B, will be permitted.~~ Plates must have all of the following character limitations:

A. Plates must have at least one full-size letter or number.

B. Stacked characters must count as one full-size character. Stacked characters are two letters or numbers that occupy one space in which one letter or number is placed directly above the second letter or number.

C. No characters other than those specified in subpart 1, items A and B, will be permitted on a personalized plate.

Subp. 5. **Duplication.** No plate ~~shall~~ may be a duplicate of any current ~~personalized~~ plate or a duplicate of any plate in a numbering system used by the division. ~~The specific numbering systems prohibited on personalized plates shall be indicated on applications for personalized plates.~~

Subp. 6. **Division plate combinations.** No plate used or

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by Revisor _____

reserved by the division for ~~other types~~ a specific type of ~~vehicles will~~ vehicle may be recalled from storage and destroyed in order that the combination may be issued again as a ~~personalized~~ plate for another type of vehicle.

Subp. 7. **Spacing and hyphenation.** An applicant may elect to group characters by spacing ~~and/or~~ or hyphenation on a personalized plate. Hyphens must not be used consecutively. A space or hyphen is not a character. ~~The maximum number of characters is six.~~ Hyphens and spaces must count toward the total number of characters allowed on a plate. Combinations of characters, spaces, ~~and/or~~ or hyphens totaling more than seven will be rejected. ~~No more than one space or hyphen is permitted between adjoining characters.~~ If the total of characters, spaces, ~~and/or~~ or hyphens is less than seven, the division shall have the right to center the characters, spaces, ~~and/or~~ or hyphens on the plate.

Subp. 8. **Unique symbols and weight designation stickers.** Unique symbols, determined by the department, and weight designation stickers may be required on a plate. A unique symbol or weight designation sticker is not a character. Unique symbols or weight designation stickers, when required, must count toward the total number of characters.

Subp. 9. **Multiple owners.** If the original application for a plate is for a vehicle owned or leased by more than one person, all owners or all lessees must sign.

7403.0500 PERSONALIZED PLATE APPLICATION; CONTENTS AND REVIEW.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

7403.0600 REPLACEMENT OF PERSONALIZED PLATES.

Subpart 1. **Loss ~~or~~, theft, or destruction.** In the event of the loss ~~or~~, theft, or destruction of the personalized plate issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new set of personalized plates with ~~a different~~ the same combination of

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characters. ~~The new combination of characters shall be reviewed pursuant to subparts 4 and 5. The fee required by Minnesota Statutes, section 168.29 shall be paid. If no new combination of characters suitable to the applicant can be issued, a refund as calculated in part 7403.0800 shall be made. If a new combination of characters is issued, the applicant shall indicate to the registrar which combination of characters (original or replacement) shall be reserved.~~ The written statement must be on a form prescribed by the division.

Subp. 2. [See repealer.]

7403.0800 REFUNDS FOR SPECIAL PLATES.

Subpart 1. **Conditions.** Prorated refunds ~~prorated at $10 for each full unused registration year~~ of the application fee for special plates may be made ~~in the following cases:~~

~~A. under the condition stated in part 7403.0600, subpart 1;~~

B. if the owner ~~of~~ returns the ~~personalized~~ unused special plates ~~surrenders both personalized plates and applies for a refund~~ to the department, within 45 days of original issuance as indicated on department records.

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

Subp. 3. [See repealer.]

7403.0850 RECALL OF PERSONALIZED PLATES.

If, as a result of a written complaint, the division considers a personalized character combination currently in use to be obscene, indecent, or immoral, the owner of the character combination must be notified, in writing, of the following:

A. that a complaint has been received regarding the character combination;

B. the nature of the complaint;

C. that the division finds the complaint to be valid;

D. the reason the division finds the complaint to be valid;

E. that the character combination is no longer valid after 30 days from the date the notice was mailed; and

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F. that the owner of the plate is entitled to:

(1) a different personalized character combination for no additional fee; or

(2) a replacement regular plate for no additional fee and a prorated refund of the application fee if the personalized plate is returned within the first five years of original issuance, as follows:

(a) first year, 100 percent;

(b) second year, 80 percent;

(c) third year, 60 percent;

(d) fourth year, 40 percent;

(e) fifth year, 20 percent; or

(f) sixth and seventh years, zero percent.

7403.0900 ASSIGNMENT AND TRANSFER OF SPECIAL PLATES.

Subpart 1. **In general.** ~~**Personalized**~~ Special plates, as specified in Minnesota Statutes, chapter 168, are assigned by the division to an owner for the exclusive use on the ~~**passenger**~~ vehicle described in the application.

Subp. 2. **Transfer.** ~~**The personalized**~~ Special plates may be transferred to another vehicle owned by the applicant upon:

A. written notification ~~**of**~~, on a form prescribed by the registrar, to the registrar ~~**and:**~~;

~~**A.**~~ B. payment of the prescribed transfer fee as provided by Minnesota Statutes, ~~**section 168.12, subdivision 2a**~~ chapter 168; and

~~**B.**~~ C. registration of the vehicle in Minnesota~~**, and**~~

~~**C. surrender (if any) of the existing Minnesota registration plates assigned to the vehicle.**~~

Subp. 3. **Election to transfer plates.** If an owner sells a vehicle to which ~~**personalized**~~ special plates have been ~~**assigned and elects**~~ issued, the owner may elect to transfer the ~~**personalized**~~ special plates with the vehicle, to an eligible buyer or vehicle. Eligibility is determined by the particular provision in Minnesota Statutes, chapter 168, governing the issuance of the particular special plate. The buyer of the

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special plates shall submit the necessary information, on a form prescribed by the registrar, to verify eligibility for the special plates.

Upon transferring the special plates to an eligible buyer, the owner ~~shall~~ automatically ~~assign~~ assigns to the ~~new owner~~ buyer the right to reserve that combination of characters and the right to any refund of the personalized plate fees.

Special plates are considered assigned to the buyer of the vehicle unless the owner elects to retain the plates according to the procedures in subpart 4.

Subp. 4. **Election to retain plates.** If an owner sells a vehicle to which ~~personalized~~ special plates have been ~~assigned~~ issued and elects to retain the ~~personalized~~ special plates, it ~~shall be~~ is the responsibility of the owner or ~~his~~ the owner's agent to ~~make application~~ apply for regular ~~passenger car~~ plates before the vehicle is sold. However, the owner ~~would not need~~ is not required to obtain regular ~~passenger car~~ plates before the vehicle is sold ~~in the following situations~~ if:

A. the owner notifies the department, in writing:

(1) of the disposition of the special plates; and

(2) whether the owner will retain the rights to the plate combination; and

B. if the vehicle will be sold to:

(1) a junk yard, scrap yard, insurance company, or salvage pool because the vehicle was severely damaged ~~due to accident, fire, submission in water, or by natural causes such as wind or lightning~~ or because the vehicle will be dismantled or destroyed;

~~B. vehicle sold for junk or salvage because of the need for extensive mechanical repair;~~

~~C. vehicle sold to~~

(2) an out-of-state buyer and plates will be secured in the buyer's home state; or

~~D. vehicle sold to~~

(3) a buyer who holds ~~personalized plates, amateur radio plates, or citizen band~~ special plates for ~~his or~~

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her the buyer's own use.

Subp. 5. [See repealer.]

7403.1200 DAILY SEQUENCING OF PERSONALIZED PLATE APPLICATIONS.

Each application for personalized plates will be date-stamped by the receiving office. In the central office, applications bearing the same stamped date will be selected at random and numbered in ascending order. Applications with the same date will then be reviewed and character combinations approved for manufacture pursuant to parts 7403.0400 and 7403.0500 in ascending numerical sequence.

7403.1300 PLATE AND VALIDATION STICKER FEES.

Subpart 1. **General information.** The plate fees contained in this part include only the costs of manufacturing and issuing plates and validation stickers. The fees in this part do not include:

A. titling, transfer, or filing fees;

B. registration tax;

C. fees required to transfer the plate to another vehicle; or

D. yearly display fees or contributions.

Subp. 2. **Original issuance.** Unless otherwise exempted by statute, the following plate and validation sticker fees apply for the first issuance of a plate in a plate year:

A.	Sequential Double Plate	$2.50
	Sequential Special Plate-Double	3.50
	Sequential Single Plate	1.50
	Sequential Special Plate-Single	2.75
B.	Nonsequential Double and Collegiate Double Plate	9.75
	Nonsequential Single Plate	9.00

Subp. 3. **Duplicate plates.** Duplicate plate fees apply for plates that are issued when the original plates are lost, stolen, destroyed, or otherwise become unserviceable and no new plate is issued. The duplicate plate fees are the same as for original issuance in subpart 2.

Subp. 4. **Duplicate validation sticker fees.** Duplicate validation sticker fees apply to validation stickers that are

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issued when the original validation stickers are lost, stolen, destroyed, or otherwise become unserviceable and no new plate is issued. The duplicate sticker fee is 50 cents per sticker.

7403.1400 INTERNATIONAL FUEL TAX AGREEMENT DECAL FEE.

The fee for original and duplicate International Fuel Tax Agreement decals is 50 cents.

REPEALER. Minnesota Rules, parts 7403.0100, subpart 5; 7403.0400, subpart 3; 7403.0500, subpart 2; 7403.0600, subpart 2; 7403.0700; 7403.0800, subpart 3; 7403.0900, subpart 5; 7403.1000; and 7403.1100, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7403

The attached rules are approved for publication in the State Register

RR I Pmm

Ron Ray
Senior Assistant Revisor

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Fees For License Plates, Validation Stickers, and International Fuel Tax Agreement Decals And Issuance And Transfer Of License Plates

AFFIDAVIT OF MAILING THE STATEMENT OF NEED AND REASONABLENESS TO THE LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Pat Harris, being sworn says:

That on the 28th day of October, 1992, I mailed the Statement Of Need And Reasonableness for the above-captioned Rules to the Legislative Commission To Review Administrative Rules in compliance with Minnesota Statutes, sections 14.131 and 14.23. The mailing was done through the interoffice mail of the State of Minnesota.

Pat Harris
Pat Harris

Subscribed and sworn
to before me this 28th day
of October, 1992.

Laura Nehl-Trueman
Notary Public

Laura Nehl-Trueman
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 4-4-96

DRIVER AND VEHICLE SERVICES DIVISION
DRIVER LICENSE OFFICE
TRANSPORTATION BUILDING
395 JOHN IRELAND BLVD.
ST. PAUL, MN 55155-1886
612-296-6911

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

October 28, 1992

Ms. Maryanne V. Hruby, Executive Director
Legislative Commission to Review Administrative Rules
55 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In the Matter of Proposed Rules of the State Department of Public Safety Relating to Fees For License Plates, Validation Stickers, And International Fuel Tax Agreement Decals And Issuance And Transfer of License Plates

Dear Ms. Hruby:

The Minnesota Department of Public Safety intends to adopt the above entitled rules. We plan to publish a duel Notice Of Intent To Adopt Rules in the November 9, 1992 State Register.

As required by Minnesota Statutes, sections 14.131 and 14.23, the Department has prepared a Statement of Need and Reasonableness which is now available to the public. Also as required, a copy of this Statement is enclosed with this letter.

For your information, we are also enclosing a copy of the duel Notice Of Intent To Adopt Rules and a copy of the proposed rules in this matter.

If you have any questions about these rules, please contact me at 296-2608.

Yours very truly,

Laura Nehl-Trueman

Laura Nehl-Trueman
Administrative Rulewriter

enclosures: Statement of Need and Reasonableness
Notice Of Intent To Adopt Rules
Copy of the Certified Rules

STATE OF MINNESOTA
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 Relating To Fees For License Plates, Validation Stickers, And International Fuel Tax Agreement Decals And Issuance And Transfer Of License Plates.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF TWENTY-FIVE OR MORE PERSONS REQUEST A HEARING

(1) **NOTICE IS HEREBY GIVEN** that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The Department's statutory authority to adopt the proposed rule is Minnesota Statutes, section 299A.01, subdivision 6, section 14.06, section 168.12, subdivision 2, 2a, 2b, 2c, and 2d, section 168.123, subdivision 6, and section 168.125, subdivision 3.

(2) All persons have 30 days, until 4:30 p.m., December 9, 1992, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m., December 9, 1992. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing must include his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

PLEASE NOTE: That if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on December 21, 1992, unless a sufficient number withdraw their request in writing. The hearing will be in accordance with the notice of public hearing on these same rules published in this State Register and mailed to persons registered with the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety, Driver and Vehicle Services Division, on or after December 10, 1992, between the hours of 8:00 a.m. and 4:30 p.m. at (612) 296-2608.

Comments or written requests for a public hearing must be submitted to: (5) Laura Nehl-Trueman, Department of Public Safety, Driver and Vehicle Services Division, 208 Transportation Building, 395 John Ireland Boulevard, St. Paul, MN 55155, (612) 296-2608.

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

(11) A free copy of this rule is available upon request from Laura Nehl-Trueman at the address and telephone number listed above.

Amendments have been made to Minnesota Rules, chapter 7403, to update and expand procedures regarding the issuance and transfer of license plates. Chapter 7403 previously only contained procedures regarding personalized license plates. The amendments in the chapter expand the procedures for issuance and transfer of license plates to other types of license plates issued by the department. Chapter 7403 also contains a new part which sets forth the fees for license plates, validation stickers and International Fuel Tax Agreement decals which are authorized by Minnesota Laws 1992, chapter 581, sections 7, 11 and 20.

(12) A Statement Of Need And Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Laura Nehl-Trueman at the address and telephone number listed above.

(14) In preparing these rules, the Department has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rule on small businesses. The adoption of the rule will directly affect small businesses who must implement the license plate fee schedule. Deputy registrars, who will implement the fee schedule, were given special consideration when the license plate and validation sticker fee schedules were developed. The Department's evaluation of the small business requirements is further addressed in the Statement of Need and Reasonableness. The remaining rules do not directly affect small businesses. The rules will apply equally to those individuals or businesses that are required to register motor vehicles under the laws of chapter 168.

(13) Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of the rule.

(15) Adoption of the rule will not have an impact on agricultural land; therefore, no further information need be provided under Minnesota Statutes, section 14.11, subdivision 2.

(16) In accordance with Minnesota Statutes, section 16A.128, subdivision 1a, pertaining to fees, the Department has received approval from the Commissioner of Finance for the fees set by these rules. A copy of the approval is attached to the Statement of Need and Reasonableness.

In accordance with Minnesota Statutes, section 16A.128, subdivision 2a, the Department has sent a copy of the Notice of Intent to Adopt Rules and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting the notice to the State Register.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General.

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 adopted rule, must submit the written request to Laura Nehl-Trueman at the address and telephone number listed above.

10-21-92
Date

Thomas H. Frost, Commissioner
Department of Public Safety

In The Matter Of The Proposed Adoption Of Rules Of The State Department Of Public Safety Relating To Fees For License Plates, Validation Stickers, And International Fuel Tax Agreement Decals And Issuance And Transfer of License Plates.

NOTICE OF HEARING AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, on Monday, December 21, 1992, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER: that the hearing will be cancelled if fewer than twenty-five persons request a hearing in response to the notice of intent to adopt these same rules without a public hearing published in this State Register and mailed to persons registered with the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety, Driver and Vehicle Services Division, on or after December 10, 1992, between the hours of 8:00 a.m. and 4:30 p.m. at (612) 296-2608.

Following the Department's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7600, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

Following the close of the comment period, the agency and all interested persons have five business days to respond in writing to any new information submitted during the comment period. During the five-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the five-day period. Any written material or

responses must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day. The written responses shall be added to the rulemaking record. Upon the close of the record, the Administrative Law Judge will write a report as provided in Minnesota Statutes, sections 14.15 to 14.50. The rule hearing is governed by Minnesota Statutes, sections 14.14 to 14.20, and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

A free copy of this rule is available upon request from Laura Nehl-Trueman, Department of Public Safety, Driver and Vehicle Services, 208 Transportation Building, St. Paul, MN 55155, (612) 296-2608.

Additional copies of the rule will be available at the hearing. If you have any questions on the content of the rule contact Laura Nehl-Trueman at the address or telephone number listed above.

Amendments have been made to Minnesota Rules, chapter 7403, to update and expand procedures regarding the issuance and transfer of license plates. Chapter 7403 previously only contained procedures regarding personalized license plates. The amendments in the chapter expand the procedures for issuance and transfer of license plates to other types of license plates issued by the department. Chapter 7403 also contains a new part which sets forth the fees for license plates, validation stickers and International Fuel Tax Agreement decals which are authorized by Minnesota Laws 1992, chapter 581, sections 7, 11 and 20.

The Department's statutory authority to adopt the proposed rule is Minnesota Statutes, section 299A.01, subdivision 6, section 14.06, section 168.12, subdivision 2, 2a, 2b, 2c, and 2d, section 168.123, subdivision 6, and section 168.125, subdivision 3.

Notice is hereby given that a Statement of Need And Reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This Statement of Need And Reasonableness includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need And Reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

In preparing these rules, the Department has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rule on small businesses. The adoption of the rule will directly affect small businesses who must implement the license plate fee schedule. Deputy registrars, who will implement the fee schedule, were given special consideration when the license plate and validation sticker fee schedules were developed. The Department's evaluation of the small business requirements is further addressed in the Statement of Need and Reasonableness. The remaining rules do not directly affect small businesses. The rules will apply equally to those individuals or businesses that are required to register motor vehicles under the laws of chapter 168.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of the rule.

Adoption of the rule will not have an impact on agricultural land; therefore, no further information need be provided under Minnesota Statutes, section 14.11, subdivision 2.

In accordance with Minnesota Statutes, section 16A.128, subdivision 1a, pertaining to fees, the Department has received approval from the Commissioner of Finance for the fees set by these rules. A copy of the approval is attached to the Statement of Need and Reasonableness.

In accordance with Minnesota Statutes, section 16A.128, subdivision 2a, the Department has sent a copy of the Notice of Intent to Adopt Rules and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting the notice to the State Register.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

Lobbyists must register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612)-296-5148 or 1-800-657-3889.

10-21-92
Date

Thomas H. Frost, Commissioner
Department of Public Safety

STATE OF MINNESOTA

Department: of Finance

Office Memorandum

Date: September 8, 1992

To: Frank Ahrens, Fiscal and Admin. Services Director
Department of Public Safety

From: Bruce J. Reddemann, Director BJR
Budget Operations

Phone: 296-5188

Subject: Revised Approval of License Plate Manufacturing and Fuel Tax Sticker Fees

I have reviewed the revised fee review forms, dated August 26, 1992, submitted with the Executive Budget Officer's recommendation and have compared this request to the original request for approval of fees.

I hereby approve the fees as submitted in your review package dated August 26, 1992, as follows:

■ License Plate Manufacturing Fee	$2.50 - $9.75
■ Fuel Tax Sticker and Duplicate Validation Stickers Fee	$ .50/Sticker

cc: Dwight Pederson
Glenn Olson
Dan Boytim
Marilyn Smith

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Fees For License Plates, Validation Stickers, and International Fuel Tax Agreement Decals And Issuance And Transfer Of License Plates.

AFFIDAVIT OF SENDING THE NOTICE OF INTENT TO ADOPT RULES AND A COPY OF THE RULES TO THE CHAIRS OF THE SENATE FINANCE AND HOUSE APPROPRIATIONS COMMITTEES

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Laura Nehl-Trueman, being sworn says:

That on the 23rd day of October, 1992, I mailed the Notice Of Intent To Adopt Rules and a copy of the Rules for the above-captioned Rules to the Chairs of the Senate Finance Committee and the House Appropriations Committee in compliance with Minnesota Statutes, section 16A.128, subdivision 2a. The mailing was done through the interoffice mail of the State of Minnesota.

Laura Nehl-Trueman
Laura Nehl-Trueman

Subscribed and sworn
to before me this 23rd day
of October, 1992.
Patricia I Harris
Notary Public

PATRICIA I. HARRIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 7, 1996

DRIVER AND VEHICLE SERVICES DIVISION
DRIVER LICENSE OFFICE
TRANSPORTATION BUILDING
395 JOHN IRELAND BLVD.
ST. PAUL, MN 55155-1886
612-296-6911

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

October 23, 1992

Senator Gene Merriam, Chair
Senate Finance Committee
122 State Capitol
St. Paul, Minnesota 55155

Representative Wayne Simoneau, Chair
House Appropriations Committee
365 State Office Building
St. Paul, Minnesota 55155

Re: In the Matter of Proposed Rules of the State Department of Public Safety Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates.

Dear Senator Merriam and Representative Simoneau:

The Minnesota Department of Public Safety intends to adopt rules relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates. These rules set fees. We plan to submit our Notice Of Intent To Adopt Rules to the State Register on October 26, 1992.

As required by Minnesota Statutes, section 16A.128, subdivision 2a, the Department is sending a copy of the Notice and the proposed rules to you.

If you have any questions, please contact me at 296-2608.

Yours very truly,

Laura Nehl-Trueman

Laura Nehl-Trueman
Administrative Rulewriter

enclosures: Notice Of Intent To Adopt Rules
Rules

DRIVER AND VEHICLE SERVICES DIVISION
DRIVER LICENSE OFFICE
TRANSPORTATION BUILDING
395 JOHN IRELAND BLVD.
ST. PAUL, MN 55155-1886
612-296-6911

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

October 23, 1992

Senator Gene Merriam, Chair
Senate Finance Committee
122 State Capitol
St. Paul, Minnesota 55155

Representative Wayne Simoneau, Chair
House Appropriations Committee
365 State Office Building
St. Paul, Minnesota 55155

Re: In the Matter of Proposed Rules of the State Department of Public Safety Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates.

Dear Senator Merriam and Representative Simoneau:

The Minnesota Department of Public Safety intends to adopt rules relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates. These rules set fees. We plan to submit our Notice Of Intent To Adopt Rules to the State Register on October 26, 1992.

As required by Minnesota Statutes, section 16A.128, subdivision 2a, the Department is sending a copy of the Notice and the proposed rules to you.

If you have any questions, please contact me at 296-2608.

Yours very truly,

Laura Nehl-Trueman

Laura Nehl-Trueman
Administrative Rulewriter

enclosures: Notice Of Intent To Adopt Rules
Rules

J.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Fees For License Plates, Validation Stickers, And International Fuel Tax Agreement Decals And Issuance And Transfer Of License Plates

AFFIDAVIT OF MAILING DUAL NOTICES OF INTENT TO ADOPT RULES

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Pat Harris, being sworn says:

That on the 27th day of October, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Dual Notices of Intent to Adopt Rules by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the Department of Public Safety rulemaking mailing list. The mailing list is attached.

Pat Harris
Pat Harris

Subscribed and sworn
to before me this 27 day
of December, 1992.

Laura Nehl-Trueman
Notary Public

Laura Nehl-Trueman
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 4-4-95

Gerald L. Hasselbrink
Attorney At Law
St. Joseph, Minnesota 56374

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Richard Neumeister
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Mr. Ed Barud
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Sauk Centre, MN 56378

Maryanne V. Hruby
Executive Director
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3490 N. Victoria
St. Paul, MN 55126

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

Abe Rosenthal
President
MN Transport Service Association
1821 University Ave. (N310)
St. Paul, MN 55104

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Center City, MN 55012

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State Planning Agency
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658 Cedar Street
St. Paul, MN 55155

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Atwater, MN 56209

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Windom, MN 56101

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

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Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

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Region Nine Dev. Commission
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Mankato, MN 56002-3367

H. LeRoy DeBoom
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Mpls, MN 55416

Kathie Davis
Box 3367, Region 9
Mankato, MN 56002-3367

Rodney Watkins
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Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
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Maple Grove, MN 55369

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Minneapolis, MN 55416

Huer and Associates
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Minneapolis, MN 55402-1004

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Frontage Road, Suite 244
Roseville, MN 55113-3817

Nelson, Casey, Tripp and Dow
P.O. Box 545
Owatonna, MN 55060

Ed Simonet, III
P.O. Box 16
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STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION

In The Matter Of The Proposed Rules Of The State Department Of Public Safety Relating To Fees For License Plates, Validation Stickers, And International Fuel Tax Agreement Decals And Issuance And Transfer Of License Plates

AFFIDAVIT OF CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Joan Lundberg, being sworn says:

I hereby certify that the attached list is of persons and associations who have requested that their names be placed on the Department of Public Safety rulemaking mailing list, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, 14.22, or 14.30. I certify that this list is accurate, complete, and current as of the 23rd day of October, 1992.

Joan Lundberg
Joan Lundberg

Subscribed and sworn
to before me this 28th day
of October, 1992.

Laura Nehl-Trueman
Notary Public

Laura Nehl-Trueman
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 4-4-96

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Subp. 2. **Quarantine report.** A completed quarantine report on forms provided by the commissioner must accompany each lot of fish to be released from quarantine.

Subp. 3. **Inspection requirements.** Fish released from a quarantine facility must remain available for fish health inspections unless processed for human consumption.

Department of Public Safety

Proposed Permanent Rules Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The Department's statutory authority to adopt the proposed rule is *Minnesota Statutes*, section 299A.01, subdivision 6, section 14.06, section 168.12, subdivision 2, 2a, 2b, 2c, and 2d, section 168.123, subdivision 6, and section 168.125, subdivision 3.

All persons have 30 days, until 4:30 p.m., December 9, 1992, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m, December 9, 1992. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing must include his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

PLEASE NOTE: That if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on December 21, 1992, unless a sufficient number withdraw their request in writing. The hearing will be in accordance with the notice of public hearing on these same rules published in this *State Register* and mailed to persons registered with the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety, Driver and Vehicle Services Division, on or after December 10, 1992, between the hours of 8:00 a.m. and 4:30 p.m. at (612) 296-2608.

Comments or written requests for a public hearing must be submitted to: Laura Nehl-Trueman, Department of Public Safety, Driver and Vehicle Services Division, 208 Transportation Building, 395 John Ireland Boulevard, St. Paul, MN 55155, (612) 296-2608.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of this rule is available upon request from Laura Nehl-Trueman at the address and telephone number listed above.

Amendments have been made to *Minnesota Rules*, chapter 7403, to update and expand procedures regarding the issuance and transfer of license plates. Chapter 7403 previously only contained procedures regarding personalized license plates. The amendments in the chapter expand the procedures for issuance and transfer of license plates to other types of license plates issued by the department. Chapter 7403 also contains a new part which sets forth the fees for license plates, validation stickers and International Fuel Tax Agreement decals which are authorized by *Minnesota Laws 1992*, chapter 581, sections 7, 11 and 20.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Laura Nehl-Trueman at the address and telephone number listed above.

In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rule on small businesses. The adoption of the rule will directly affect small businesses who must implement the license plate fee schedule. Deputy registrars, who will implement the fee schedule, were given special consideration when the license plate and validation sticker fee schedules were developed. The Department's evaluation of the small business requirements is further addressed in the Statement of Need and Reasonableness. The remaining rules do not directly affect small businesses. The rules will apply equally to those individuals or businesses that are required to register motor vehicles under the laws of chapter 168.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of the rule.

Adoption of the rule will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11, subdivision 2.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 1a, pertaining to fees, the Department has received approval from the Commissioner of Finance for the fees set by these rules. A copy of the approval is attached to the Statement of Need and Reasonableness.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 2a, the Department has sent a copy of the Notice of Intent to Adopt Rules and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting the notice to the *State Register.*

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General.

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 adopted rule, must submit the written request to Laura Nehl-Trueman at the address and telephone number listed above.

Dated: 26 October 1992

Thomas H. Frost, Commissioner
Department of Public Safety

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-five Persons Request a Hearing in Response to Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, 5th floor, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, on December 21, 1992, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER: that the hearing will be cancelled if fewer than twenty-five persons request a hearing in response to the notice of intent to adopt these same rules without a public hearing published in this *State Register* and mailed to persons registered with the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety, Driver and Vehicle Services Division, on or after December 10, 1992, between the hours of 8:00 a.m. and 4:30 p.m. at (612) 296-2608.

Following the Department's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7600, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

Following the close of the comment period, the agency and all interested persons have five business days to respond in writing to any new information submitted during the comment period. During the five-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the five-day period. Any written material or responses must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day. The written responses shall be added to the rulemaking record. Upon the close of the record, the Administrative Law Judge will write a report as provided in *Minnesota Statutes*, sections 14.15 to 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

A free copy of this rule is available upon request from Laura Nehl-Trueman, Department of Public Safety, Driver and Vehicle Services, 208 Transportation Building, St. Paul, MN 55155, (612) 296-2608.

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.

Additional copies of the rule will be available at the hearing. If you have any questions on the content of the rule contact Laura Nehl-Trueman at the address or telephone number listed above.

Amendments have been made to *Minnesota Rules*, chapter 7403, to update and expand procedures regarding the issuance and transfer of license plates. Chapter 7403 previously only contained procedures regarding personalized license plates. The amendments in the chapter expand the procedures for issuance and transfer of license plates to other types of license plates issued by the department. Chapter 7403 also contains a new part which sets forth the fees for license plates, validation stickers and International Fuel Tax Agreement decals which are authorized by *Minnesota Laws 1992*, chapter 581, sections 7, 11 and 20.

The Department's statutory authority to adopt the proposed rule is *Minnesota Statutes*, section 299A.01, subdivision 6, section 14.06, section 168.12, subdivision 2, 2a, 2b, 2c, and 2d, section 168.123, subdivision 6, and section 168.125, subdivision 3.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Department and at the Office of Adminsitrative Hearings. This Statement of Need And Reasonableness includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need And Reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rule on small businesses. The adoption of the rule will directly affect small businesses who must implement the license plate fee schedule. Deputy registrars, who will implement the fee schedule, were given special consideration when the license plate and validation sticker fee schedules were developed. The Department's evaluation of the small business requirements is further addressed in the Statement of Need and Reasonableness. The remaining rules do not directly affect small businesses. The rules will apply equally to those individuals or businesses that are required to register motor vehicles under the laws of chapter 168.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local bodies in excess of $100,000 per year for the first two years following adoption of the rule.

Adoption of the rule will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11, subdivision 2.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 1a, pertaining to fees, the Department has received approval from the Commissioner of Finance for the fees set by these rules. A copy of the approval is attached to the Statement of Need and Reasonableness.

In accordance with *Minnesota Statutes*, section 16A.128, subdivision 2a, the Department has sent a copy of the Notice of Intent to Adopt Rules and a copy of the proposed rules to the Chairs of the House Appropriations Committee and the Senate Finance Committee prior to submitting the notice to the *State Register.*

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

Lobbyists must register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

Dated: 26 October 1992

Thomas H. Frost, Commissioner
Department of Public Safety

Rules as Proposed

7403.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms ~~shall~~ have the meanings ~~ascribed to~~ given them~~:~~.

[For text of subps 2 and 3, see M.R.]

Subp. 3a. **Plates.** "Plates" means either regular plates or special plates unless otherwise specified.

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

Subp. 5. [See repealer.]

Subp. 6. **Regular plates.** "Regular plates" means sequentially numbered and lettered plates that are issued by the division to an applicant's vehicle.

Subp. 7. **Special plates.** "Special plates" means plates that are issued by the division to an owner for the exclusive use on the vehicle described in the application. Special plates include personalized plates.

Subp. 8. **Validation sticker.** "Validation sticker" means a license plate sticker, with a control number, which designates weight or expiration date.

7403.0200 PURPOSE.

The purpose of this chapter is to implement and provide effective administration for ~~the issuance~~ issuing and ~~transfer of personalized~~ transferring plates as provided by *Minnesota Statutes*, ~~section 168.12, subdivision 2a~~ chapter 168.

7403.0300 SCOPE.

The scope of this chapter is intended to be consistent with the provisions of *Minnesota Statutes*, ~~section 168.12, subdivision 2a~~ chapter 168.

7403.0400 PLATES; FORMAT AND CONTENT.

Subpart 1. **Characters.** The characters displayed upon a ~~personalized~~ plate may be only:

A. the following uppercase letters: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z; and

B. the following numbers: 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Subp. 2. **Statutory specifications.** The plates ~~shall~~ must be manufactured with the paint color, character size, character type style, reflective material, and other specifications used by the division for vehicles registered ~~pursuant to~~ under *Minnesota Statutes*, section 168.017, for the appropriate plate year.

Subp. 3. [See repealer.]

Subp. 4. **Characters limited.** ~~No characters other than those specified in subpart 1, items A and B, will be permitted.~~ Plates must have all of the following character limitations:

A. Plates must have at least one full-size letter or number.

B. Stacked characters must count as one full-size character. Stacked characters are two letters or numbers that occupy one space in which one letter or number is placed directly above the second letter or number.

C. No characters other than those specified in subpart 1, items A and B, will be permitted on a personalized plate.

Subp. 5. **Duplication.** No plate ~~shall~~ may be a duplicate of any current ~~personalized~~ plate or a duplicate of any plate in a numbering system used by the division. ~~The specific numbering systems prohibited on personalized plates shall be indicated on applications for personalized plates.~~

Subp. 6. **Division plate combinations.** No plate used or reserved by the division for ~~other types~~ a specific type of ~~vehicles will~~ vehicle may be recalled from storage and destroyed in order that the combination may be issued again as a ~~personalized~~ plate for another type of vehicle.

Subp. 7. **Spacing and hyphenation.** An applicant may elect to group characters by spacing ~~and/or~~ or hyphenation on a personalized plate. Hyphens must not be used consecutively. A space or hyphen is not a character. ~~The maximum number of characters is six.~~ Hyphens and spaces must count toward the total number of characters allowed on a plate. Combinations of characters, spaces, ~~and/or~~ or hyphens totaling more than seven will be rejected. ~~No more than one space or hyphen is permitted between adjoining characters.~~ If the total of characters, spaces, ~~and/or~~ or hyphens is less than seven, the division shall have the right to center the characters, spaces, ~~and/or~~ or hyphens on the plate.

Subp. 8. **Unique symbols and weight designation stickers.** Unique symbols, determined by the department, and weight designation stickers may be required on a plate. A unique symbol or weight designation sticker is not a character. Unique symbols or weight designation stickers, when required, must count toward the total number of characters.

Subp. 9. **Multiple owners.** If the original application for a plate is for a vehicle owned or leased by more than one person, all owners or all lessees must sign.

7403.0500 PERSONALIZED PLATE APPLICATION; CONTENTS AND REVIEW.

[For text of subpart 1, see M.R.]

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.

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

7403.0600 REPLACEMENT OF PERSONALIZED PLATES.

Subpart 1. **Loss ~~or~~, theft, or destruction.** In the event of the loss ~~or~~, theft, or destruction of the personalized plate issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new set of personalized plates with ~~a different~~ the same combination of characters. ~~The new combination of characters shall be reviewed pursuant to subparts 4 and 5. The fee required by *Minnesota Statutes*, section 168.29 shall be paid. If no new combination of characters suitable to the applicant can be issued, a refund as calculated in part 7403.0800 shall be made. If a new combination of characters is issued, the applicant shall indicate to the registrar which combination of characters (original or replacement) shall be reserved.~~ The written statement must be on a form prescribed by the division.

Subp. 2. [See repealer.]

7403.0800 REFUNDS FOR SPECIAL PLATES.

Subpart 1. **Conditions.** Prorated refunds ~~prorated at $10 for each full unused registration year~~ of the application fee for special plates may be made ~~in the following cases:~~

~~A. under the condition stated in part 7403.0600, subpart 1;~~

~~B.~~ if the owner ~~of~~ returns the ~~personalized~~ unused special plates ~~surrenders both personalized plates and applies for a refund~~ to the department, within 45 days of original issuance as indicated on department records.

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

Subp. 3. [See repealer.]

7403.0850 RECALL OF PERSONALIZED PLATES.

If, as a result of a written complaint, the division considers a personalized character combination currently in use to be obscene, indecent, or immoral, the owner of the character combination must be notified, in writing, of the following:

A. that a complaint has been received regarding the character combination;

B. the nature of the complaint;

C. that the division finds the complaint to be valid;

D. the reason the division finds the complaint to be valid;

E. that the character combination is no longer valid after 30 days from the date the notice was mailed; and

F. that the owner of the plate is entitled to:

(1) a different personalized character combination for no additional fee; or

(2) a replacement regular plate for no additional fee and a prorated refund of the application fee if the personalized plate is returned within the first five years of original issuance, as follows:

(a) first year, 100 percent;

(b) second year, 80 percent;

(c) third year, 60 percent;

(d) fourth year, 40 percent;

(e) fifth year, 20 percent; or

(f) sixth and seventh years, zero percent.

7403.0900 ASSIGNMENT AND TRANSFER OF SPECIAL PLATES.

Subpart 1. **In general.** ~~Personalized~~ Special plates, as specified in *Minnesota Statutes*, chapter 168, are assigned by the division to an owner for the exclusive use on the ~~passenger~~ vehicle described in the application.

Subp. 2. **Transfer.** ~~The personalized~~ Special plates may be transferred to another vehicle owned by the applicant upon:

A. written notification ~~of~~, on a form prescribed by the registrar, to the registrar ~~and:~~;

~~A.~~ B. payment of the prescribed transfer fee as provided by *Minnesota Statutes*, ~~section 168.12, subdivision 2a~~ chapter 168; and

~~B.~~ C. registration of the vehicle in Minnesota~~; and~~

~~C. surrender (if any) of the existing Minnesota registration plates assigned to the vehicle~~.

Subp. 3. **Election to transfer plates.** If an owner sells a vehicle to which ~~personalized~~ special plates have been ~~assigned and elects~~ issued, the owner may elect to transfer the ~~personalized~~ special plates with the vehicle~~,~~ to an eligible buyer or vehicle. Eligibility is determined by the particular provision in *Minnesota Statutes*, chapter 168, governing the issuance of the particular special plate. The buyer of the special plates shall submit the necessary information, on a form prescribed by the registrar, to verify eligibility for the special plates.

Upon transferring the special plates to an eligible buyer, the owner ~~shall~~ automatically ~~assign~~ assigns to the ~~new owner~~ buyer the right to reserve that combination of characters and the right to any refund of the personalized plate fees.

Special plates are considered assigned to the buyer of the vehicle unless the owner elects to retain the plates according to the procedures in subpart 4.

Subp. 4. **Election to retain plates.** If an owner sells a vehicle to which ~~personalized~~ special plates have been ~~assigned~~ issued and elects to retain the ~~personalized~~ special plates, it ~~shall be~~ is the responsibility of the owner or ~~his~~ the owner's agent to ~~make application~~ apply for regular ~~passenger car~~ plates before the vehicle is sold. However, the owner ~~would not need~~ is not required to obtain regular ~~passenger car~~ plates before the vehicle is sold ~~in the following situations~~ if:

A. the owner notifies the department, in writing:

(1) of the disposition of the special plates; and

(2) whether the owner will retain the rights to the plate combination; and

B. if the vehicle will be sold to:

(1) a junk yard, scrap yard, insurance company, or salvage pool because the vehicle was severely damaged ~~due to accident, fire, submission in water, or by natural causes such as wind or lightning~~ or because the vehicle will be dismantled or destroyed;

~~B. vehicle sold for junk or salvage because of the need for extensive mechanical repair;~~

~~C. vehicle sold to~~

(2) an out-of-state buyer and plates will be secured in the buyer's home state; or

~~D. vehicle sold to~~

(3) a buyer who holds ~~personalized plates, amateur radio plates, or citizen band~~ special plates for ~~his or her~~ the buyer's own use.

Subp. 5. [See repealer.]

7403.1200 DAILY SEQUENCING OF PERSONALIZED PLATE APPLICATIONS.

Each application for personalized plates will be date-stamped by the receiving office. In the central office, applications bearing the same stamped date will be selected at random and numbered in ascending order. Applications with the same date will then be reviewed and character combinations approved for manufacture pursuant to parts 7403.0400 and 7403.0500 in ascending numerical sequence.

7403.1300 PLATE AND VALIDATION STICKER FEES.

Subpart 1. **General information.** The plate fees contained in this part include only the costs of manufacturing and issuing plates and validation stickers. The fees in this part do not include:

A. titling, transfer, or filing fees;

B. registration tax;

C. fees required to transfer the plate to another vehicle; or

D. yearly display fees or contributions.

Subp. 2. **Original issuance.** Unless otherwise exempted by statute, the following plate and validation sticker fees apply for the first issuance of a plate in a plate year:

A. Sequential Double Plate	$2.50
Sequential Special Plate-Double	3.50
Sequential Single Plate	1.50
Sequential Special Plate-Single	2.75

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B. Nonsequential Double and Collegiate Double Plate	9.75
Nonsequential Single Plate	9.00

Subp. 3. **Duplicate plates.** Duplicate plate fees apply for plates that are issued when the original plates are lost, stolen, destroyed, or otherwise become unserviceable and no new plate is issued. The duplicate plate fees are the same as for original issuance in subpart 2.

Subp. 4. **Duplicate validation sticker fees.** Duplicate validation sticker fees apply to validation stickers that are issued when the original validation stickers are lost, stolen, destroyed, or otherwise become unserviceable and no new plate is issued. The duplicate sticker fee is 50 cents per sticker.

7403.1400 INTERNATIONAL FUEL TAX AGREEMENT DECAL FEE.

The fee for original and duplicate International Fuel Tax Agreement decals is 50 cents.

REPEALER. *Minnesota Rules*, parts 7403.0100, subpart 5; 7403.0400, subpart 3; 7403.0500, subpart 2; 7403.0600, subpart 2; 7403.0700; 7403.0800, subpart 3; 7403.0900, subpart 5; 7403.1000; and 7403.1100, are repealed.

Department of Revenue

Proposed Permanent Rules Relating to Amended Returns

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Revenue intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the proposed rules is *Minnesota Statutes*, section 270.06(13).

All persons have 30 days, until 4:30 p.m. on December 9, 1992, in which to submit comment in support of or in opposition to the proposed rules or any subpart of the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on any of the rules within the 30-day comment period, by 4:30 p.m. on December 9, 1992. If 25 or more persons submit a written request for a public hearing by 4:30 p.m. on December 9, 1992, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed under *Minnesota Statutes*, sections 14.131 to 14.20. Comments or written requests for a public hearing must be submitted to:

Jason P. Hardy
Appeals, Legal Services, and Criminal Investigations Division
10 River Park Plaza — St. Paul, MN 55146-2220
Mail Station 2220 — (612) 296-1902 extension 117

The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department of Revenue and do not result in a substantial change in the proposed rules as noticed. Copies of the proposed rules are attached to this notice.

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 Jason P. Hardy upon request.

In preparing these rules, the Department has considered their affects on local public bodies, agricultural land, and small businesses. The proposed rules will not result in the expenditure of public money by local public bodies or have a direct and substantial adverse impact on agricultural land or small businesses.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rules, must submit the written request to Jason P. Hardy at the address and telephone number listed above.

Dated: 26 October 1992

Dorothy A. McClung
Commissioner of Revenue
State of Minnesota

STATE OF MINNESOTA
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 Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES WITHOUT A PUBLIC HEARING

1. Notice of the Commissioner's intent to adopt the above-entitled rules was published in the State Register on November 9, 1992, and was sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22, on October 27, 1992.

2. The statement of need and reasonableness was prepared before the dual notice of intent to adopt rules was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

3. All of the notice and procedural requirements in Minnesota Statutes, chapter 14, and other applicable law have been complied with.

4. All persons were given the opportunity to submit comments on the rules for 30 days after the notice of intent to adopt rules was published. The 30 day comment period expired on December 9, 1992.

5. The Department did not receive any written comments on the rules in response to the notice of intent to adopt rules. The Department did not receive any requests for notice of submission to the attorney general. The Department did not receive any requests for a public hearing. Therefore, there are not 25 or more outstanding requests for a public hearing.

6. The modifications to the rules as published in the November 9, 1992 State Register and the reasons for the modifications are as follows:

a. Part 7403.0400, subpart 4, item C, has been amended as follows: No characters other than those specified in subpart 1, items A and B, will be permitted on a personalized plate. Stacked characters are not permitted on a personalized plate.

This amendment is made for clarification purposes. Stacked characters have never been allowed on personalized plates and stating this in the rule will remove any ambiguity for the public when they apply for personalized plates.

b. Part 7403.0400, subpart 9, has been amended as follows: "If the original application for a special plate is for a vehicle owned or leased by more than one person, ~~all owners~~ at least one owner or ~~all lessees~~ lessee must sign the application." This amendment removes the requirement of having both owners sign an original application for plates in all circumstances.

The majority of the time the original application for plates will be in conjunction with the application for title and both owners will be required to sign the application. However, there are some instances when only one signature is required on the original

application for plates. For example, when a Wisconsin resident moves to Minnesota and obtains plates for a car that is already titled in both owners names only one owner will be required to sign the application for the Minnesota plates.

The rule still specifies that when a person is making application for a special plate, at least one owner or lessee must sign the application. These plates are often given as gifts and in a gift situation, it is important to have at least one owner or lessee sign the application for the plates.

c. Part 7403.0600, subpart 1, has been amended as follows: "In the event of the loss, theft, ~~or~~ destruction, or scheduled replacement of the personalized plate issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new set of personalized plates with the same combination of characters. The written statement must be on a form prescribed by the division."

This amendment clarifies that owners of personalized plates may obtain the same combination of characters not only upon loss, theft, or destruction, but also upon the scheduled replacement of their plates. Currently, license plates are scheduled to be replaced every seven years.

d. Part 7403.1300, subpart 2, has been amended as follows: "Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the first issuance of a plate in a plate year:...." This amendment is necessary because there are some situations where the plate fee is not only exempted by statute but the plate fee is also specified by statute. In the case where a plate fee is already specified or exempted by the statute, the statute rather than the rule will govern.

e. Part 7403.1300, subpart 3, has been amended as follows: "Duplicate plate fees apply for plates that are issued when the original plates are scheduled for replacement, lost, stolen, destroyed, or otherwise become unserviceable and no new plate is issued. The duplicate plate fees are the same as for the original issuance in subpart 2." This amendment was made to clarify that plate fees will also be assessed when plates are scheduled for replacement. Currently, plates are scheduled for replacement every seven years. When plates are replacement a new plate will be issued.

f. Part 7403.1400 has been amended as follows: "The fee for original and duplicate International Fuel Tax Agreement decals is 50 cents per decal." This amendment is necessary to clarify that the fee is a per decal charge. The amendment is consistent with the Department of Finance's fee approval memorandum that is attached to the Statement of Need and Reasonableness and the corresponding portion of the Statement itself. The sentence as originally written was ambiguous.

The above-changes are not substantial in that the changes do not affect classes of persons who could not reasonably have been expected to comment on the proposed rules as originally noticed.

The above-changes are not substantial in that the changes do not introduce significant new subject matter which a reasonable person, on the basis of the proposed rules as originally noticed, would not have anticipated would occur during the rulemaking proceeding.

The above-changes are not substantial in that the changes do not make a major substantive change that was not raised by the proposed rules as originally noticed in such a way as to invite reaction.

7. The statement of need and reasonableness together with these findings, establish and justify the rational basis for the need and reasonableness of the rule as amended.

CONCLUSIONS

1. The Department duly acquired and has jurisdiction over this proceeding.

2. The Department published and served timely and adequate notice of intent to adopt the rule without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change.

5. The rules as amended are needed and reasonable. (8)

NOW, THEREFORE, IT IS ORDERED that the rules identified as Rules of the State Department of Public Safety Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates as modified are adopted this 21st day of December, 1992, pursuant to authority vested in me by Minnesota Statutes, section 299A.01, subdivision 6, and section 14.06.

(9)

Michael S. Jordan

Michael S. Jordan, Commissioner
Department of Public Safety

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION

In the Matter of the Adoption of Rules of the State Department of Public Safety Relating to Fees for License Plates, Validation Stickers, and International Fuel Tax Agreement Decals and Issuance and Transfer of License Plates

DECLARATION OF COUNSEL

I, Ron Latz, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010, have been followed. Any exceptions are listed below. For Attorney General Billing purposes, the four-digit docket client code is 0713.

/Ron Latz
Special Assistant Attorney General

Dated: 12-21-92