

CHAPTER 6213
DEPARTMENT OF NATURAL RESOURCES
ELECTRONIC LICENSING

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6213.0100 DEFINITIONS.

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

Subp. 4. **Electronic license.** "Electronic license" means an application, license, pass, permit, sticker, registration, or any other future electronic transaction relating to Department of Natural Resources licensing, issued under the electronic license system.

Subp. 5. **Electronic license system.** "Electronic license system" means the Minnesota system of using point-of-sale equipment, online sales, or a telephone service to collect data and to issue electronic licenses.

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

Statutory Authority: *MS s 84.027*

History: *34 SR 1205*

6213.0310 SELECTION OF AGENTS.

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

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

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

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

Statutory Authority: *MS s 84.027*

History: *34 SR 1205*

6213.0320 RECONSIDERATION OF DENIED APPLICATION.

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

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

Statutory Authority: *MS s 84.027*

History: *34 SR 1205*

6213.0400 TERMS OF AGENT CONTRACT.

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

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

Subp. 5. **Restrictions on sale of electronic licenses.** An agent may not offer electronic licenses for free or at a nominal, reduced, or increased fee except as provided by Minnesota Statutes. An agent may not waive all or part of the issuing fee or use electronic licenses in connection with a drawing, raffle, giveaway, or other sales promotion.

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

Subp. 7. **Communication and electrical needs.** An agent must agree to provide an established communications connection and access to electrical outlets to use the point-of-sale equipment.

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

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

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

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

Statutory Authority: *MS s 84.027*

History: *34 SR 1205*

6213.0410 DURATION OF AGENT CONTRACT; TRANSFERABILITY.

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

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

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

Statutory Authority: *MS s 84.027*

History: *34 SR 1205*

6213.0420 FORFEITURE OR SUSPENSION OF CONTRACT.

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

Subp. 2. **Suspension or cancellation of agent contract.** The commissioner may cancel or suspend an agent contract if the commissioner finds that the agent:

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

- E. failed to properly display license point-of-sale equipment and materials;
- F. failed to have the financial stability or responsibility to act as an agent as evidenced by inadequate accounting records or a failure to maintain sufficient funds from the sale of electronic licenses in the appropriate bank account;
- G. had fewer than 300 electronic license system transactions per year; or
- H. misused electronic license system data.

Subp. 3. **Notice.** If an agent contract is forfeited, suspended, or canceled under subpart 1 or 2, the commissioner shall notify the agent and give a brief statement of the reason for forfeiture, cancellation, or suspension. The commissioner shall notify the agent that the agent may, within 30 days from the date of the notice, request that the commissioner reconsider the forfeiture, cancellation, or suspension. Notice of forfeitures and cancellations shall be in writing.

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

Statutory Authority: *MS s 84.027*

History: *34 SR 1205*

6213.0500 SALE OF ELECTRONIC LICENSES.

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

Subp. 3. **Resident licenses.** An agent may not issue a resident license to a person unless the agent ascertains that the applicant is a resident, as defined by Minnesota Statutes.

Statutory Authority: *MS s 84.027*

History: *34 SR 1205*

6213.0510 DUPLICATE LICENSES.

A licensee whose electronic license is lost or destroyed may obtain a duplicate license by applying to an agent.

Statutory Authority: *MS s 84.027*

History: *34 SR 1205*