

7404.0400 AGENT OFFICE REQUIREMENTS.

Subpart 1. **In general.** An approved office location must comply with this part.

A. For an existing office when there is a discontinuance of the agent appointment or death, resignation, or retirement of an agent, and for which a new appointment is requested, the requirements of this part apply.

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

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

A. The agent may apply for a variance to the commissioner. The commissioner shall consider the following factors when reviewing the variance request:

- (1) why the office does not meet the requirements;
- (2) the options available to the agent to bring the office into compliance;
- (3) the financial cost for meeting the options, estimated with reasonable efforts; and
- (4) other information requested by the commissioner or supplied by the agent.

B. The variance must expire upon the discontinuance, death, retirement, or resignation of the agent or a period specified within the variance, whichever period is less.

C. The commissioner's decision and the right to review of the decision must follow the procedures in part 7404.0330, subparts 3 and 4.

Subp. 3. **Area for applications.** An agent:

A. must have an office that contains a separate and distinct area used exclusively for taking, processing, and storing applications;

B. may not use the application area for living space or for transacting any other business, except that a deputy registrar authorized by the commissioner may process vehicle title and registration transactions, Department of Natural Resources transactions, and additional county transactions as specified under Minnesota Statutes, section 373.33;

C. must install a counter or divider within the application area to separate the public from the secure application review and processing areas of the office; and

D. must position the application equipment so the applicant can review and verify in a private manner that the application information is correct.

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

A. The agent shall procure and maintain a secure dedicated telephone line as specified by the commissioner for the transmission of license application data at each office site.

B. Any agent appointed after January 5, 1999, shall procure or lease and maintain at least one dedicated vision-testing machine per office from a vendor specified by the commissioner. The agent is responsible for the maintenance of the vision-testing equipment in the agent's office.

C. Any agent establishing an office that did not exist as of January 1, 2000, shall procure or lease, and maintain, photo identification equipment from a vendor specified by the commissioner. This equipment includes a dedicated computer and all software and security features provided by the vendor, and signature-capture equipment.

D. For an agent appointed as of January 1, 2000, who has photo identification and signature-capture equipment provided by the commissioner, the commissioner shall continue to provide and maintain the equipment.

E. If equipment or inventory is provided or maintained by the commissioner at an existing office under Minnesota Statutes, section 171.061, subdivision 4, paragraph (b), and the agent dies, retires, or discontinues service, the equipment and inventory must revert to the commissioner unless an agent is appointed to the existing office by the commissioner under parts 7404.0350 and 7404.0360. All offices operated by a county licensing bureau, county, or municipality, with the commissioner's written permission, may retain the equipment and remain in operation during the appointment process.

F. At a licensing agent office where the agent is responsible for the procurement of photo identification equipment, the agent is responsible for the procurement of any additional photo identification equipment.

G. Where photo identification or vision-testing equipment provided by the commissioner reverts back to the commissioner, the equipment must be distributed according to subitems (1) and (2).

(1) The equipment must be used at a state-operated examination or application site if initial or additional equipment is needed at that location.

(2) If there is no need for the equipment at a state-owned or state-operated examination or application site, the equipment must be sold or sublet to another approved office.

H. The agent must be able to communicate electronically with the department using methods such as email, instant messaging, or text messaging.

I. The agent must have an office that is equipped with the technological infrastructure required to process credit card data or debit card data using a card-processing terminal or other hardware provided by the commissioner. "Technological infrastructure" means the physical hardware used to interconnect computers and users. It includes the transmission media and other devices that control transmission paths, and includes the software used to send, receive, and manage the signals that are transmitted. The agent is responsible for the cost for the technological infrastructure.

Subp. 5. **Size of office area.** The size of the office area includes the application area, the public service area, and the inventory storage area.

A. The size of the office area must contain a minimum of 300 square feet of which no less than 100 square feet shall be dedicated as the public service area.

B. If the agent office is adjacent to another nonconflicting use, the other use may not encroach on the office space of the agent office.

C. The agent office must be separate and distinct from any other business.

D. The office of a licensing agent that is also a deputy registrar office must contain no less than 500 square feet.

Subp. 6. **Accessibility.** The office must be accessible to the disabled.

Subp. 7. **Identification.** An indoor or outdoor sign must be prominently displayed to identify the office as a location where applications are taken.

Subp. 8. **Conflicting interests.** An agent may not be employed by, own, or have a financial interest as a partner, officer, or five percent shareholder in, an entity that sells vehicle insurance or operates a driver training program or driver improvement clinic.

A. An agent's office may not be located in the same office area with an entity that sells or serves alcoholic beverages, issues vehicle insurance, or operates a driver training or driver improvement clinic.

B. An agent office that is located adjacent to an entity described in item A must be separated from that entity by floor-to-ceiling walls.

C. The agent's office must have:

- (1) an entrance that is separate from the conflicting entity; and
- (2) a door that can be shut and locked to close off the entire entrance.

Statutory Authority: *MS s 14.06; 14.386; 171.06; 171.061; 373.35*

History: *23 SR 1454; 32 SR 1283; 37 SR 239*

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