

**7406.0400 DEPUTY REGISTRAR OFFICE REQUIREMENTS.**

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

Subp. 1a. **Variance.** An existing deputy registrar may apply to the commissioner for a variance from complying with subparts 4 and 7 if compliance would be a substantial hardship for the deputy registrar. A deputy registrar may apply for a variance by submitting a written request, on a form prescribed by the commissioner, to the commissioner within six months of July 1, 1996. The commissioner shall consider the following factors when reviewing the deputy registrar's request for a variance:

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

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

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

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

A variance granted under this subpart expires upon the death or retirement of an individual appointed as a deputy registrar, the dissolution of a corporate deputy registrar, or the revocation or resignation of any deputy registrar appointment.

If the deputy registrar office moves, any variances granted with respect to the office space requirements of subparts 4 and 7 expire.

The commissioner's decision and the right to review of the commissioner's decision must follow the procedures in part 7406.0330, subparts 3 and 4.

Subp. 2. **Processing areas for complete and incomplete motor vehicle transactions.** A deputy registrar:

A. must have an office that contains:

(1) a separate and distinct area used exclusively for processing and storing completed motor vehicle applications; and

(2) a separate and distinct area for processing and storing incomplete motor vehicle transactions if the office takes in work that is not collected on the day it was received in the office, in which case the office must meet the requirements of part 7406.0450, subpart 2a;

B. may not use the processing areas for living space or for transacting any other business, except that deputy registrars authorized by the commissioner may process drivers' licenses, Department of Natural Resources transactions, and additional transactions as specified under Minnesota Statutes, section 373.33;

C. shall install a counter or divider within the processing areas to separate the public from the processing areas of the office; and

D. shall provide to the commissioner a floor plan of the office, including the specific areas and dimensions of the space allocated for the processing areas, public service area, and storage area, if not previously provided with an application for appointment under part 7406.0360, subpart 4.

Subp. 3. **Inventory security.** Inventory must be maintained in a secured area that is not accessible to the public either during or after business hours.

Subp. 3a. **Technology requirements.** A deputy registrar 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. A deputy registrar is responsible for the cost for the technological infrastructure.

Subp. 4. **Size of office area.** The size of the office area includes the processing areas, the public service area, and the inventory storage area of the office. The size of the office area must contain a minimum of 300 square feet.

If the deputy registrar office space is adjacent to another nonconflicting business, the other business may not encroach upon the office space of the deputy registrar office. The deputy registrar office space must be separate and distinct from the other business.

Subp. 5. **Accessibility.** The office must be accessible to the disabled in compliance with state and federal laws and regulations.

Subp. 6. **Identification.** An indoor or outdoor sign must be prominently displayed to identify the office.

Subp. 7. **Conflicting business interests.** A deputy registrar may not own or be a partner, officer, or five-percent shareholder in a financial institution, motor vehicle dealership, or automobile insurance business.

A deputy registrar office may not be located in the same office space with a financial institution, a motor vehicle dealership, or an automobile insurance office. A deputy registrar office that is located adjacent to a conflicting business must be separated from the

conflicting business by floor-to-ceiling walls. The deputy registrar must have an entrance that is separate from the conflicting business and must have a door that can be shut and locked to close off the entire entrance.

**Statutory Authority:** *MS s 14.06; 168.33; 171.061; 299A.01*

**History:** *20 SR 2784; 29 SR 97; 35 SR 1974*

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