

**7410.0600 VARIANCES.**

Subpart 1. **Commissioner may grant.** The commissioner of public safety may grant variances from part 7410.0400.

Subp. 2. **Application for variance.** If a person is unable to comply with the provisions and requirements of part 7410.0400, the person may make written application to the commissioner of public safety or a designee for a variance.

Subp. 3. **Documentation.** A person applying for a variance must submit written documentation of the reasons why a variance should be granted, including the reasons the required documents are not available. The applicant must provide additional information regarding the applicant's name and identity, such as names of relatives, date and place of birth, place of residence, social security number, military service information, and any arrest information, to aid the commissioner in verifying the applicant's identity.

Subp. 4. **Review.** The commissioner of public safety or a designee shall review the request for the variance. In making a decision to grant or deny the variance, the commissioner or a designee shall consider the following:

- A. the availability of the required documents;
- B. the degree of hardship placed on the applicant;
- C. the effect of granting the variance on the public;
- D. the effect of granting the variance on the integrity of the record system; and
- E. the trustworthiness of the information supplied by the applicant regarding the applicant's name and identity.

Subp. 5. **Conditions for granting.** The commissioner shall grant the variance if all of the following conditions are present:

- A. the documents required by part 7410.0400 are either not reasonably available or do not exist;
- B. compliance with part 7410.0400 would cause an undue hardship for the applicant;
- C. granting the variance will have no adverse effect on the public;
- D. granting the variance will not jeopardize the integrity of the record system; and
- E. the applicant has established the applicant's name and identity by trustworthy evidence and documentation.

Subp. 6. **Decision.** The commissioner of public safety or a designee shall grant or deny the request for the variance within 30 days of receipt of the request. The person shall be notified of the decision by mail within the 30-day period.

**Statutory Authority:** *MS s 171.06*

**History:** *17 SR 1279*

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