

STATE OF MINNESOTA

**DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION**

**In the Matter of the Proposed Rules
Of the Department of Public Safety
Governing Motor Vehicle License Plates.**

**STATEMENT OF NEED
AND REASONABLENESS**

General Statement

The amendments made to Minnesota Rules, Chapter 7403, update and expand the Department of Public Safety's 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 clarify the allowable contents of specialized plates, define regular and special plates, and establish retention rights to personalized plate combinations.

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 § 299A.01, subd. 6, and section 14.06 of the Minnesota Administrative Procedure Act.

Minn. Stat. § 299A.01, subd. 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 Minnesota Administrative Procedure Act gives the Department of Public Safety general rulemaking authority. Under Minn. Stat. §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 rule making 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: Minn. Stat. § 168.12, subd. 2, Amateur radio station license; subd. 2a, Personalized plates; subd. 2b, Firefighters; subd. 2c, National guard; subd. 2d, Ready reserve; Minnesota Stat. § 168.123, subd. 6, Veterans; and Minn. Stat. §168.125, subd. 3, Former prisoners of war.

Regulatory Analysis

Minnesota Statute § 16A.1285 does not apply because the rules do not establish new fees or amend existing ones.

Minnesota Statutes § 115.43, subd. 1, and § 116.07, subd. 6, and § 144A.29, do not apply to these rules.

All persons who own or operate motor vehicles displaying special license plates will be affected by the changes to this rule. Persons desiring special or personalized plates will benefit from this rule because the content of the plates, as well as the retention rights to these plates, has been clarified. Persons needing to identify vehicles, including law enforcement personnel, will benefit from those rules regulating plate format and content. These rules will help to continue to make plates easily readable.

There are no additional costs to this agency or any other agency for the implementation and enforcement of this rule. There is no anticipated effect on state revenues.

No less costly or intrusive method for achieving the purpose of the proposed rule is known. No alternative methods were considered.

There are no additional costs incurred in complying with these rules.

There are no significant differences between the proposed rules and existing federal regulations.

Additional notice of these proceedings was given by sending a copy of the notice to each deputy registrar office in the state and requiring that the deputy registrar post both the Request for Comments and the Notice of Intent to Adopt Rules Without a Hearing in a conspicuous location until the comment period had expired. There are 170 deputy registrars located throughout the State of Minnesota.

The Department of Public Safety will call Dave Davies, Supervisor, Customer and Agency Services, and Catherine Moore, Administrative Rulewriter, as witnesses if a hearing is required under Minnesota Statute § 14.25.

Rule-by-Rule Analysis

7403.011, DEFINITIONS

Subp. 2a. A definition for the naval zero is added to the definition section. This is necessary because the naval zero is used for the amateur radio operator license plates. Because not all typewriters and word processing programs are capable of printing a naval zero, it was necessary to define the character rather than just printing it. This change is reasonable because it clarifies the meaning of the rule and will allow for consistent interpretation.

Subp. 6. The definition of regular plates is changed to include the term "standard issue." This is necessary to differentiate regular plates from special plates, which may also be sequentially numbered and lettered. This rule is reasonable because it helps to clarify the rules without changing their effect.

Subp. 7. The definition of special plates is changed to encompass all of the various types of special plates. This change is necessary to better describe the difference between regular and special plates. This rule is reasonable because it will allow for clear and consistent interpretation of the rules.

7403.0400 PLATES; FORMAT AND CONTENT.

Subp. 1 Characters. The naval zero is added as an allowable character. The naval zero is used as part of the amateur radio license number. Pursuant to Minnesota Stat. § 168.12, subd. 2, special license plates which contain the amateur radio license number of the applicant are authorized. Therefore, it is necessary to recognize the naval zero as an allowable character. This change is reasonable because without it the rules would conflict with the authorizing statute.

Subp. 4. Characters Limited. The naval zero is restricted for use on amateur radio operator special license plates exclusively. This is because the naval zero looks very similar to the letter O and the number zero. The reasonableness and necessity for restricting similar letters can be found in under subpart 5, duplication.

Subp. 5. Duplication. Specific letters that are considered as the same character are identified and their use is restricted. This is necessary because the department receives many requests to interchange these characters in attempts to create names or words that have not yet been issued for personalized plates. Some examples include "69 OLDS" and "69 0LDS," "FORD" and "F0RD," and so forth. Although these plates do use different characters, they appear too similar for the purposes of vehicle identification and law enforcement. This rule is reasonable because applicants will still be able to create original plates, while preserving the original purpose of the plate: vehicle identification.

Subp. 7. Spacing and hyphenation. Motorcycle plates are limited to six characters. This change is necessary because the motorcycle plates are capable of holding only six readable characters. This rule is reasonable because for the license plate to be useful for vehicle identification and law enforcement, the characters must be readable.

7403.0900 ASSIGNMENT, RETENTION, AND TRANSFER OF SPECIAL PLATES.

The title of this section is changed to include the term “retention.” This change is necessary to clearly identify the subject matter of this section. This change is reasonable because it helps readers find what they are looking for, but does not change the effect of the rules.

7403.0950 RETENTION OF RIGHTS TO PERSONALIZED PLATE COMBINATION.

The right to retain a personalized plate combination is explained and expanded upon. Minn. Stat. § 168.12, subd. 2a provides that “once an applicant has obtained personalized plates, the applicant shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if application is made for them at least 30 days before the first date that registration can be renewed.” This rule expands and clarifies the right to retain personalized plates, as well as determining when a combination may be reissued. This rule is necessary to establish clear and definite timelines for the retention or reissuance of a specific combination. This rule is reasonable because it provides necessary guidelines without any additional restriction or requirement upon the applicant.