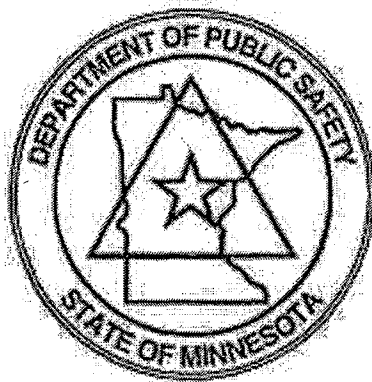

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MINNESOTA DEPARTMENT OF PUBLIC SAFETY

REPORT ON AGENCY RULES



AUGUST 1, 2003

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Executive Summary

August 1, 2003

Requirement to report on all DPS rules. Pursuant to Minnesota Statutes section 14.3691, the Minnesota Department of Public Safety has carefully reviewed all of the rules enforced by this department and submits the attached Report on Agency Rules dated August 1, 2003. This report contains an analysis of each chapter of Minnesota Rules under the department's jurisdiction, in accordance with the following instructions provided by the legislature under Minnesota Statutes section 14.3691:

- (1) list any rules that the entity recommends for repeal
- (2) list and briefly describe the rationale for rules that the entity believes should remain in effect; and
- (3) suggest any changes in rules that would improve the agency's ability to meet the regulatory objectives prescribed by the legislature, while reducing any unnecessary burdens on regulated parties. Any costs of preparing this report must be absorbed within funds otherwise appropriated to the entity.

Rules recommended for repeal. This is the list of rules we recommend for repeal or that we are in the processing of repealing. The reasons for our recommendations are discussed in the body of this report.

- | | |
|---|---|
| ●Services for battered women | Chapter 2915 |
| ●Motor vehicle dealers | Parts 7400.1900; 7400.2200 Subparts 1 & 3;
7400.3200; 7400.3300; 7400.3500-3700;
7400.4100 Subpart 5. |
| ●License plates | 7403.0300 |
| ●Deputy registrars | 7406.0100 subpart 20; 7406.0350 Subpart 5,
7406.0500 subpart 3. |
| ●Bicycle registration | 7407.0100 subparts 3 & 4; 7407.0300. |
| ●Driver education; driver improvement
clinics; accident prevention courses | 7411.0100, subpart 2a; part 7411.0100, subpart 5;
part 7411.0100, subpart 11; part 7411.0300; part
7411.0400; 7411.0510; 7411.0550; 7411.0610;
7411.0700; 7411.0800; 7411.0900; 7411.3100;
7411.3200; Parts 7411.5100-7411.5700 |
| ●Emergency Response Commission | 7507.0400 |

Rules that should remain in effect. We recommend that the large majority of DPS rules remain in effect. The rules, along with a rationale for our recommendations, are listed in the body of this report.

Suggested rule changes. We suggest a number of improvements to DPS rules. These changes are discussed in the body of the report.

**Chapter 7417
Commissioner's Office
Uniform Dangerous Dog Tag**

I. Rules Recommended for Repeal

There are no rules under Chapter 7417 recommended for repeal

II. Rationale for Rules

Chapter 7417 consists of four rules which implement the statutory requirements of MN Stat. 347.51. These rules are used to set uniform standards for the placement, design and construction of tags for dangerous dogs. Additionally, the rule requires that each dangerous dog tag must be worn at all times by a dangerous dog.

III. Suggested Changes

The department does not believe that amendments to this chapter are needed.

**Chapter 7520
Commissioner's Office
Public Safety- Merit System**

I. Rules Recommended for Repeal

There are no rules under Chapter 7520 recommended for repeal

II. Rationale for Rules

Chapter 7417 consists of rules detailing the Minnesota Merit System for personnel administration for state and local agencies receiving certain federal grants-in-aid. This system is required to ensure compliance with the Federal Standards for a Merit System of Personnel Administration under 5 CFR Part 900.

III. Suggested Changes

The department does not believe that amendments to this chapter are needed.

**Chapter 7521
Commissioner's Office
Public Safety Officer Death Benefit Claims**

I. Rules Recommended for Repeal

There are no rules under Chapter 7521 recommended for repeal.

II. Rationale for Rules

The rules under Chapter 7521 are needed to administer the state's Public Safety Officer Death Benefit program. The rules outline the processes for filing a claim, determining eligibility, requesting reconsideration of denials and contesting a determination. This chapter provides added scope to implement, coordinate and administer Minnesota Statutes sections 299A.41 to 299A.44, which are crucial to effective implementation of this program.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7515 at this time.

Chapter 7515 Alcohol and Gambling Enforcement Division Liquor

I. Rules Recommended for Repeal

There are no rules under Chapter 7515 recommended for repeal.

II. Rationale for Rules

These rules under Chapter 7515 are needed to administer the state's liquor laws through licensing and enforcement. Minnesota Rules, Chapter 7515 expands upon Chapter 340A to define the licensing and brand label registration process, the requirements or prohibitions in obtaining a license or permit, and to define and clarify authority granted to the commissioner in the execution of enforcement of liquor law. These rules are necessary to define for licensees and local licensing authorities the persons eligible for licensure, the premises requirements for licensure, and the restrictions regarding licensure. Also, language is provided to define for proper labeling of alcoholic beverages to assure that brands are registered only by brand owners or their designated representatives to avoid black or gray market product from being sold to Minnesota consumers. Chapter 7515 also provides guidelines and restrictions for the advertisement and promotion of alcoholic beverages. These rules are necessary to assure that alcoholic beverages are not promoted irresponsibly or advertising material does not contain matter which appeals to immature individuals, or does not contain matter which induces persons to purchase alcoholic beverages, or advertising material is not misleading to the public, or does not make claims that alcoholic beverages are healthful or therapeutic in nature. The rules provide for standards of fill and packaging of alcoholic beverages through the Code of Federal Regulations. The rules provide for the necessary requirements for liquor importers that prohibit discrimination in the sale of their products to Minnesota wholesalers and manufacturers. The rules also provide for requirements for the sale and use of ethyl alcoholic for industrial and non-industrial purposes. Ethyl alcohol is used in the manufacture of food products, used in veterinary medicine, by dentists, pharmacists, and hospitals and requires these users to obtain permits prior to use or possession of ethyl alcohol.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7515.

**Chapter 7570
Alcohol and Gambling Enforcement Division
Manufacturers and Distributors of Gambling Devices**

I. Rules Recommended for Repeal

There are no rules under Chapter 7570 recommended for repeal

II. Rationale for Rules

Chapter 7570 consists of four rules. These rules are used to define the application form and process. They deal with the division's prorating of license fees. The rules establish the method and manner of quarterly inventory reporting. Finally, the rules deal with the specific requirements for the reporting the shipment of gambling devices into Minnesota, record retention requirements and the agency's right of inspection.

III. Suggested Changes

The department does not believe that amendments to this chapter are needed.

**Bureau of Criminal Apprehension
Minnesota Rule 7416
Firearm Permit Standards**

I. Rules Recommended for Repeal

Due to the passage of the Personal Protection Act of 2003, the Department must review the rules in Chapter 7416 to determine whether 7416.0400, 7416.0500, 7416.9931, 7416.9950 can be repealed. No changes to the remaining rules in this chapter are needed at this time.

II. Rationale for Rules

The rules of chapter 7416 implement the standardized form requirements under MN Stat. 624.7151 for applications under MN Stat. 624.7131 to 624.714, for pistol transferee permits, reports of transfer of a pistol, and permits to carry a pistol. With the passage of the Personal Protection Act of 2003, several of the rules in this chapter may require repeal or modification to conform with the legislation. Given the staff time that has been dedicated to implementation of the 2003 changes, the Department postponed review of the rules until later in 2003. The remaining rules as to pistol transferee permits, and report of transfers of a pistol remain necessary to implement the requirements of MN Stat. 624.7151.

III. Suggested Changes

No changes are recommended at this time.

**Minnesota Rules 7500
Bureau of Criminal Apprehension
Explosives, Blasting Agents, Firearms**

I. Rules Recommended for Repeal

There are no rules recommended for repeal under Minnesota Rules 7500, Explosives, Blasting Agents, Firearms.

II. Rationale for Rules

The rules under chapter 7500 are needed to adopt safety standards for the manufacture, storage and use of explosives and blasting agents, consistent with Minnesota Statutes, sections 299F.71 to 299F.83. The BCA serves as the storage house for issued permits.

III. Suggested Changes

No changes are recommended.

Bureau of Criminal Apprehension

Minnesota Rule 7501

Intoxication Testing: Devices

I. Rules Recommended for Repeal

There are no rules recommended for repeal under Minnesota Rules part 7501

II. Rationale for Rules

The rules under chapter 7501 are needed to establish standards and minimum specifications for preliminary screening breath test devices, to be used pursuant to Minnesota Statute section 169A.41. The rules outline the procedure necessary to be an approved device along with providing a listing of approved devices for use in Minnesota

III. Suggested changes

Changes to this chapter are currently being implemented. Through expedited rule making authority (provided during last legislative session), a list of approved devices is being added to this chapter as Minnesota Rule 7501.0900.

A suggested change for updating this rule in the future, through normal rule making procedures, is to add a definition for alcohol and to update and clarify the minimum standards and specifications necessary for approved devices

Minnesota Rule 7502

Bureau of Criminal Apprehension

Intoxication Testing: Devices

I. Rules Recommended for Repeal

There are no rules recommended for repeal under Minnesota Rules part 7502, except as listed below.

II. Rationale for Rules

The rules under chapter 7502 are needed to establish minimum standards for administering and interpreting a test for intoxication at the direction of a peace officer, pursuant to the provisions of Minnesota Statutes, section 169A.52. The rule outlines the necessary training for officers operating breath-testing instruments, how breath-test samples are to be taken, instruments that can be utilized for breath-testing and the collection and interpretation of biological fluids (blood and urine) for the presence of ethyl alcohol.

III. Suggested changes

Changes to this chapter are currently being implemented. Through expedited rule making authority (provided during last legislative session), the list of approved devices is being updated as Minnesota Rule 7502.0420 to finalize the emergency rule put in place in October of 2001.

Suggested changes for updating these rules are currently being considered. These changes would be accomplished through the normal rule making procedure, but will not be finalized until the impact of statutory changes regarding acceptable breath-testing samples and any impact from the expedited rule process can be evaluated. The purpose of these changes would be to clarify any confusion arising from the statutory change and to update and clarify requirements for operators and instruments.

Minnesota Rules 7504 Bureau of Criminal Apprehension Firearms Dealers

I. Rules Recommended for Repeal

There are no rules recommended for repeal under Minnesota Rules 7504, Firearms Dealers.

II. Rationale for Rules

The rules under chapter 7504 are needed to define security requirements for firearms dealers. The Department of Public Safety's role is to approve exemptions.

III. Suggested Changes

No changes are recommended.

Capitol Complex Security Division Department of Public Safety Chapter 7525

I. Rules Recommended for Repeal

There are no rules under Chapter 7525 recommended for repeal.

II. Rationale for Rules

State employees and members of the public need these rules, under Chapter 7525, because they define and set out guidelines for the access and use of the Capitol Complex buildings.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7525.

Crime Victims Reparations Board Department of Public Safety Chapter 3050

I. Rules Recommended for Repeal

There are no rules under Chapter 3050 recommended for repeal.

II. Rationale for Rules

The rules in Chapter 3050 govern the Crime Victims Reparations Board. They are necessary for a number of reasons. The rules provide clarification of eligibility criteria and procedures to assist the Board in determining who is covered by this program, and the amount of benefits payable. The rules also provide specific procedures for calculating losses incurred by victims. This is essential to ensure consistency and fairness in the administration of the program.

The rules are also very important because they establish rate limits and caps on expenditures. They provide the Board with flexibility to adjust rates and caps so that expenditures do not exceed available revenues. The rules are critical for the Board to operate within its budgetary constraints. Without the rules, there would be no way to keep spending from exceeding the Board's appropriation.

The rules also provide definitions to supplement statutory language, for example, on the issue of contributory misconduct. This is necessary to ensure that funds are directed as the legislature intended, and to prevent misuse of funds.

In conclusion, the rules governing the Reparations Board are needed to ensure that funds are used appropriately and cost-effectively.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 3050.

Chapter 2915 Minnesota Department of Public Safety Services for Battered Women

I. Rules Recommended for Repeal

All of the rules in Chapter 2915 should be repealed because they conflict with administrative changes made in the organizational structure of the state's crime victims services office. The

rules in Chapter 2915 governed victims services as it was structured under the Minnesota Department of Corrections. Those services were moved to the Minnesota Department of Public Safety and restructured in 1999.

II. Rationale for Repeal

The rules are outdated, and no longer applicable.

III. Suggested Changes

None.

Driver and Vehicle Services Division Minnesota Rules Chapter 7400 Motor Vehicle Dealers

I. Rules Recommended for Repeal.

Chapter 7400 regulates the licensure of motor vehicle dealers and their operation with respect to the collection to state title and registration taxes and fees. This chapter is under revision to clarify and simplify policy and procedures. Chapter 7400 contains hearing procedure for case-specific disputes between the agency and a regulated party that substantially duplicates hearing procedure for contested cases currently specified in Minnesota Statutes, Chapter 14 and Minnesota Rules, Chapter 1400. To maintain uniform hearing procedures but eliminate the need for the agency to maintain hearing procedure expertise, the agency plans to repeal parts 7400.1900, 7400.2200, subparts 1 and 3, 7400.2800, 7400.3200, 7400.3300, 7400.3500, 7400.3600, 7400.3700 and 7400.4100, subpart 5. Hearings with respect to adverse actions will refer instead to the contested case proceedings in Minnesota Statutes, chapter 14 and Minnesota Rules, chapter 1400.

The tax information required in part 7400.0300, subpart 5 will be repealed because it duplicates information already provided to the Department of Revenue. Part 7400.1900 is proposed for repeal because it duplicates requirements already specified in statute. Part 7400.4100, subpart 5 is being repealed because the provisions contained in the subpart are now obsolete.

II. Rationale for Rules.

Chapter 7400 is necessary to maintain because it sets out standards generally applied to the regulated industry to implement and administer Minnesota Statutes, section 168.27.

III. Suggested Changes.

Chapter 7400 is being revised to implement recent changes in Minnesota Statutes. Law 2002 changes affecting licensing period and a new category of Limited Used Vehicle License were created. The new category needs to be addressed in rule to clarify licensure requirements.

The rules have been in existence for over a decade without update for consistency with changes in law and changes in agency practice. Revision is needed to clarify and simplify standards and to place agency practice into rule.

A change to the rules is needed to ensure that an applicant submits a criminal background check with the application for licensure. Further change will require notice to the department by the owner of a dealership whenever an owner or officer is convicted of violating specific statutes.

Changes will be proposed to shorten the time period in which a dealer may deliver vehicles and to set specific requirements for the information necessary for vehicle transfers.

Clarification is being made about the liquidation of an unsold vehicle after license revocation. Issues pertaining to the sale of a vehicle to a non-Minnesota buyer are being addressed.

**Driver and Vehicle Services Division
Minnesota Rules Chapter 7403
License Plates and Disability Tags**

I. Rules Recommended for Repeal.

A Request for Comment on possible revisions to these rules was published in October of 2001. Repeal of part 7403.0300 SCOPE is planned because it is essentially redundant to the provisions in part 7403.0200 PURPOSE. Part 7403.1300 on plate fees was repealed in 2003 legislation and put into law.

II. Rationale for Rules.

Chapter 7403 addresses procedures for the review of personalized plate content; special plate assignment, and the retention and transfer of personalized plates. Provisions also address disability plates and tags. Chapter 7403 is necessary to maintain because it sets standards generally applied by the agency to implement and administer Minnesota Statutes, sections 168.021, 168.12, 168.123, 168.125, 169.345 and 169.346.

III. Suggested Changes.

The existing rules need revision to address and clarify terms not uniformly used or defined in the disability plate and tag statutes. Clarification is necessary to address when fees will be charged for replacement or renewal of a placard. Generally applied policy with respect to commercial disability parking placard eligibility, exclusions and application are necessary to be made known. Provisions are planned to address the misuse of placards and plates, complaints from the general public, revocation, cancellation, loss of eligibility, review of a revocation, reinstatement and replacement.

**Driver and Vehicle Services Division
Minnesota Rules Chapter 7404
Driver Licensing Agents**

I. Rules Recommended for Repeal.

These rules were initially adopted in 1999 to regulate the appointment of agents of the commissioner who take driver's license, state identification card or permit applications. Rules address the appointment and qualifications of agents, location and operation of offices. No rule parts have been identified for repeal at this time.

II. Rationale for Rules.

Chapter 7404 is necessary to maintain because it sets standards generally applied by the agency to regulate the agents and to implement and administer Minnesota Statutes, sections 171.061, subdivision 6.

III. Suggested Changes.

A Request for Comment on possible amendments to the existing rules was published October 29, 2001. Possible changes noticed by the agency include clarification of the definition of "existing office;" simplification of the procedures for an agent appointment by a County Board or the Commissioner of Public Safety; amendment of provisions relating to photo identification equipment to conform with statute; and tying the discontinuance of an appointment with a loss of other governmental regulatory functions performed within the same office.

Driver and Vehicle Services Division Minnesota Rules Chapter 7405 Commercial Fleet Vehicle Registration

I. Rules Recommended for Repeal.

This set of rules was initially adopted in 1971 to implement Laws 1971, Chapter 49 which was subsequently codified as Minnesota Statutes, sections 168.841 to 168.846. No rule parts are identified for repeal at this time, however, future repeal, rule or statutory changes given their limited use will be raised with regulated industries and the administration.

II. Rationale for Rules.

Chapter 7405 was adopted to administer requirements for the proportionate registration of rental trailers and trucks. Subsequent to their adoption, the International Registration Plan was developed for interstate motor carriers. Parties who do not participate in the International Registration Plan for motor vehicles addressed in Minnesota Statutes, section 168.187, but operate their vehicles regularly in Minnesota and another state, continue to be affected by these rules and Minnesota Statutes, sections 168.841 to 168.846. Chapter 7405 sets standards generally applied by the agency to implement and administer Minnesota Statutes, sections 168.841 to 168.846.

III. Suggested Changes.

Requests for Comment on possible amendments and additions to chapter 7405 were published October 29, 2001 and August 19, 2002 to address electronic commerce, registration processes and the licensing and registration of motor vehicles involved in interstate transportation. The International Registration Plan is not incorporated by reference directly into state statute or rule. Possible rules are needed to incorporate the latest version of the plan by reference and clarify provisions in the International Registration Plan where terms are vague and provisions are subject to further interpretation by the agency. Where the plan provides the state with implementation discretion and the option to exercise variance or waiver authority, the state's policy needs to be known and in the public domain.

**Driver and Vehicle Services Division
Minnesota Rules Chapter 7406
Deputy Registrars**

I. Rules Recommended for Repeal.

A Request for Comment on possible amendments to these permanent rules regulating deputy registrar was published October 29, 2001. The latest draft of a revision to Chapter 7406 identifies the repeal of part 7406.0100, subpart 20; part 7406.0350, subpart 5; and part 7406.0500, subpart 3 in conjunction with the proposal of amendments to the existing chapter.

II. Rationale for Rules.

Chapter 7406 remains necessary to implement Minnesota Statutes, section 168.33 so that standards generally applied by the agency to implement, administer and interpret this statute is known, subject to notice and comment, and in the public domain.

III. Suggested Changes.

The Driver and Vehicle Services Division is considering amendments to chapter 7406 to enhance electronic commerce, improve customer service in the registration and titling of motor vehicles by deputy registrars, streamline depositing and reporting processes, and incorporate and interpret legislative changes. Existing parts 7406.0100 DEFINITIONS; 7406.0300 PROPOSING DEPUTY REGISTRAR OFFICE LOCATION; 7406.0330 MOVE OF EXISTING OFFICE LOCATION; 7406.0350 COUNTY OFFICIAL AS DEPUTY REGISTRAR; 7406.0360 DEPUTY REGISTRAR APPOINTMENT BY COMMISSIONER; 7406.0370 CERTIFICATE OF APPOINTMENT OF DEPUTY REGISTRAR; 7406.0450 REPORTING AND DEPOSITING PRACTICES; 7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS; 7406.0700 EXCEPTIONS TO VOLUME AND DISTANCE REQUIREMENTS; 7406.0900 IMMEDIATE SUSPENSION OF APPOINTMENT; and 7406.1000 DEPUTY APPOINTMENT SUSPENSION, REVOCATION are planned for amendment. New parts 7406.0310 OFFICE LOCATION CONSIDERATIONS; 7406.0355 CITY OFFICIAL AS DEPUTY REGISTRAR; 7406.0475 AUDIT; and 7406.2700 INDEMNIFICATION are planned.

**Driver and Vehicle Services Division
Minnesota Rules Chapter 7407
Bicycle Registration**

I. Rules Recommended for Repeal.

A Request for Comment on possible amendments to these permanent rules governing the registration of bicycles was published October 29, 2001. The latest draft of a revision to Chapter 7407 identifies the repeal of part 7407.0100, subparts 3 and 4 and part 7407.0300 in conjunction with the revision of the existing rule parts.

II. Rationale for Rules.

Chapter 7407 remains necessary to implement Minnesota Statutes, section 168C.12 so standards generally applied by the agency to administer and interpret the statute are known, subject to notice and comment, and in the public domain.

III. Suggested Changes.

The Driver and Vehicle Services Division is considering amendments to existing chapter 7407 to enhance electronic commerce and improve customer service in the registration of bicycles. Planned amendments would change the contents of the application for registration to provide for e-commerce, mail applications and the electronic deposit of fees. The suspension and revocation of a bicycle deputy is also addressed.

Driver and Vehicle Services Division Minnesota Rules Chapter 7409 Loss of Driving Privilege

I. Rules Recommended for Repeal.

Chapter 7409 governs the loss of driving privileges for traffic law violations when there is no alcohol or controlled substance involved. Chapter 7409 was revised in October of 2002. No rules are recommended for repeal.

II. Rationale for Rules.

Chapter 7409 remains necessary to implement Minnesota Statutes, sections 14.06, 169.792, 169.795, 169.798 and 299A.01 so standards generally applied by the agency to administer and interpret these statutes are known, subject to notice and comment, and in the public domain.

III. Suggested Changes.

One technical change to part 7409.4100, item C is needed to add reference to Minnesota Statutes, section 17120 due to a change in 2003 law.

Driver and Vehicle Services Division Minnesota Rules Chapter 7410 Driver Licenses and Motor Vehicle Records

I. Rules Recommended for Repeal.

Chapter 7410 governing driver's licenses, permits and state identification cards was amended in 2002 to address driver's license test administration and test waiver standards generally applied by the agency. Amendments were adopted in 2003 to address agency standards for the appointment of third party testers. Emergency exempt rules were adopted in 2002 and permanent amendments to the identity, residency and facial image rules in this chapter were proposed in 2003 including repeal of part 7410.1800. No further rule repeals are anticipated at this time.

II. Rationale for Rules.

Chapter 7410 remains necessary to implement Minnesota Statutes, sections 14.06, 171.02, 171.06, 171.061, 171.07, 171.10 and 299A.01 so standards generally applied by the agency to administer and interpret these statutes governing the application for a state driver's licenses, permit and identification card are known, subject to notice and comment, and in the public domain.

III. Suggested Changes.

Rules relating to the standards generally applied by the agency to administer and interpret Minnesota Statutes, section 168.10 (vehicle registration), section 168.105 (classic cars); section 168A.04 (titles) and section 168A.24 (powers and duties with respect to vehicle titles and registration) will be addressed in a separate rule chapter.

The agency has received a petition to address agency policy with respect to the designation of gender on the agency-issued documents.

Driver and Vehicle Services Division

Minnesota Rules Chapter 7411

Driver Education; Driver Improvement Clinics; Accident Prevention Courses

I. Rules Recommended for Repeal.

Driver Education. Amendments to parts 7411.0100 to 7411.2000 governing driver education have been certified for proposal. To enhance the readability of these rules and place into effect the changes described in III below, several rule parts are proposed for repeal. They are part 7411.0100, subpart 2a; part 7411.0100, subpart 5; part 7411.0100, subpart 11; part 7411.0300; part 7411.0400; 7411.0510; 7411.0550; 7411.0610; 7411.0700; 7411.0800; 7411.0900; 7411.3100 and 7411.3200.

Driver Improvement Clinics. Parts 7411.5100 to 7411.5700 regulate clinics for traffic law violators. The agency does not administer these rules. They are recommended for repeal. The agency notes that persons who operate a vehicle while intoxicated are remanded to treatment by the agency. The agency also notes that persons who fail a road test four times are required, under Minnesota Statutes, section 171.04, subdivision 1, clause (8), to take six hours of behind-the-wheel driver education.

Accident Prevention Courses. Parts 7411.7100 to 7411.7700 regulate accident prevention courses for persons age 55 and older to qualify for an insurance rate reduction. No parts are recommended for repeal at this time, however changes as described in III below are planned.

II. Rationale for Rules.

Driver education. Parts 7411.0100 to 7411.2000 governing driver education remain necessary to implement Minnesota Statutes, section 14.06; section 169.26, subdivision 3; section 169.446, subdivision 2; section 169.446, subdivision 3; section 169.974; section 171.02, subdivision 3; section 171.05, subdivision 2; section 171.055, subdivision 1; section 171.0701; sections 171.33 to 171.41, and section 299A.01 so standards generally applied by the agency to administer and interpret these statutes are known, subject to notice and comment, and in the public domain.

Driver Improvement Clinics. The agency does not administer parts 7411.5100 to 7411.5700 governing driver improvement clinics. These rules are recommended for repeal.

Accident Prevention Courses. Parts 7411.7100 to 7411.7700 governing accident prevention courses remain necessary to implement Minnesota Statutes, sections 14.06 and 65B.28 so standards generally applied by the agency to administer and interpret these statutes are known, subject to notice and comment, and in the public domain.

III. Suggested Changes.

Driver Education. A Request for Comment on amendments to the driver education rules was published October 29, 2001. Amendments to parts 7411.0100 to 7411.2000 are planned to: Bring the rules into conformance with changes in the underlying state law;

- Place current agency practice being generally applied and enforced into rule;
- Provide agency actions and interpretations of law with the force and effect of law;
- Enhance the readability and understanding of the rules;
- Address curriculum for the motorized bicycle permit and class A, B, and C motor vehicle instruction;
- Reduce the classroom hours for motorcycle endorsement instruction, increase on-bike hours, and update the motorcycle curriculum;
- Address home school, teleconferenced, simulation, range, and on-line instruction methods;
- Consolidate and modify the qualifications, disqualification criteria, and training criteria for instructors;
- Revise bond and motor vehicle insurance requirements;
- Address student contracts and agreements and fee refund information; and
- Expand the option of vehicle inspection and maintenance as an alternative to mandatory vehicle replacement.

Driver Improvement Clinics. The agency does not administer parts 7411.5100 to 7411.5700. These rules are recommended for repeal.

Accident Prevention Courses. A Request for Comment on possible amendments to parts 7411.7100 to 7411.7700 was published in October 2001. Possible changes include allowing the initial course to be given in one day instead of two half days. The difference between the initial eight-hour course and the four-hour refresher course needs to be clarified. Distance instruction via teleconference or on-line instruction is also possible.

Driver and Vehicle Services Division Minnesota Rules Chapter 7413 Motor Vehicle, Motorcycle Insurance

I. Rules Recommended for Repeal.

Chapter 7413 governing motor vehicle and motorcycle insurance was reviewed in conjunction with legislation on vehicle insurance during the 2003 session. Parts 7413.0400 and 7413.0500 were repealed in Laws 2003 First Special Session, Chapter 19, Article 2, Section 79. No other rules in this chapter are recommended for repeal at this time.

II. Rationale for Rules.

Chapter 7413 remains necessary to implement Minnesota Statutes, sections 14.06, 169.798 and 299A.01 so standards generally applied by the agency to implement and interpret the statutes it administers are known, subject to notice and comment, and in the public domain.

III. Suggested Changes.

No suggested changes to this chapter of rules are planned at this time.

Driver and Vehicle Services Division Minnesota Rules Chapter 7414 School Bus Driver Qualifications

I. Rules Recommended for Repeal.

No rules in this chapter governing school bus drivers and the school bus endorsement on the driver's license are recommended for repeal at this time.

II. Rationale for Rules.

Chapter 7414 governing school bus drivers remains necessary to implement Minnesota Statutes, sections 14.06, 171.321 and 299A.01 so standards generally applied by the agency to implement and interpret the statutes it administers are known, subject to notice and comment, and in the public domain.

III. Suggested Changes.

At this time, the agency is considering amendments that would:

Modify part 7414.0100 to add a definition of "medical examiner" that is consistent with Minnesota Statutes and federal regulations. Change references in parts 7414.1100, 7414.1300, 7414.1400, 7414.1450, and 7414.1460, from "physician" to "medical examiner."

Modify part 7414.0300 to reference test requirements found in part 7410.4840 and in Code of Federal Regulations, title 49, section 383.123.

Modify part 7414.0400 for consistency with Minnesota Statutes, section 171.3215 so that a school bus endorsement is denied to a person charged with a felony unless a waiver is granted under section 171.3215.

Remove the requirement in part 7414.1300 for the department to make a physical form available and the requirement in part 7414.1400 for the department to send a physical examination certificate to the driver. Delete the requirement in part 7414.1600 to submit a \$2 processing.

Specify the time allowed for a qualifying physical in part 7414.1600 from three years to one year after expiration for consistency with Minnesota Statutes, section 171.321;

Eliminate the need for the applicant to provide a copy of his or her driving record with an application for a medical waiver under part 7414.1420.

A Request for Comment on these possible changes has not been published.

**Driver and Vehicle Services Division
Minnesota Rules Chapter 7503
Driver's License Revocation, Incidents**

I. Rules Recommended for Repeal.

Chapter 7503 addresses the revocation of a driver's license or permit when there is an incident involving alcohol or a controlled substance. No rules in this chapter are recommended for repeal at this time. This chapter of rules was revised in November 2002.

II. Rationale for Rules.

Chapter 7503 remains necessary to implement Minnesota Statutes, sections 14.06, 169.128, 169A.75, 171.165 and 299A.01 so standards generally applied by the agency to implement and interpret the statutes it administers are known, subject to notice and comment, and in the public domain.

III. Suggested Changes.

A technical amendment is needed to conform part 7503.0100, subpart 3 to include reference to Minnesota Statutes, section 609.21, subdivision 2a and 2b.

**Division of Homeland Security and Emergency Management
Chapter 7507
Emergency Response Commission
Emergency Response Reports and Fees**

I. Rules Recommended for Repeal

Rule No. 7507.0400 (Material Safety Data Sheet Fee) is recommended for repeal based on the fact that the Department of Public Safety, Division of Homeland Security and Emergency Management, Emergency Response Commission no longer receives Material Safety Data Sheets. In addition, the Emergency Response Commission (ERC) has never collected a processing fee from a person who has submitted a Material Safety Data Sheet(s) nor does it intend to collect this fee in the future.

II. Rationale for Rules

Chapter 7507 consists of seven rules. These rules are used to define the required payment, by persons submitting emergency and hazardous chemical inventory reports, of processing fees. The rules establish the fee payment method, amount (based on the number of chemicals reported on the emergency and hazardous chemical inventory report), and due date. The rules require the ERC to notify, in writing, a person who submits an incorrect fee payment. Overpayment of fees must be refunded to the payee. If there is an underpayment of fees, the person submitting the

fees must make correct payment within 60 days or late payment fees will be assessed. Finally, the rules allow for the collection of late payment fees if the person fails to make payment by the payment date.

III. Suggested Changes

The department does not believe that amendments to Chapter 7507 are needed.

Division of Homeland Security and Emergency Management Chapter 7513 Hazardous Substance Notification

I. Rules Recommended for Repeal

There are no rules under Chapter 7513 that are recommended for repeal.

II. Rationale for Rules

Chapter 7513 consists of three rules. First, these rules identify the hazardous substance notification report form, as required by Minnesota Statutes, Section 299F.094, as the “Tier One – Emergency and Hazardous Chemical Inventory” form used by the State under the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, Title III, Section 312. Second, the rules contain an example of the Hazardous Substance Notification Report Form. Lastly, the rules stipulate that a facility may submit a Tier Two form, “Emergency and Hazardous Chemical Inventory”, under the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, Title III, Section 312, instead of the Tier One form.

III. Suggested Changes

The department does not believe that amendments to Chapter 7513 are needed.

Division of Homeland Security and Emergency Management Chapter 7514 Hazardous Materials Incident Response

I. Rules Recommended for Repeal

There are no rules under Chapter 7514 that are recommended for repeal.

II. Rationale for Rules

Chapter 7514 consists of twenty rules, whose purpose is to implement a statewide plan and system for responding to hazardous materials incidents, as provided for in Minnesota Statutes, Section 299A.50. In addition to *defining terms*, defining the *purpose of* all the rules in Chapter, establishing the *scope of* rules in the Chapter, and identifying the *authority for* development of the rules, the rules address the following important issues:

- A. Establishing Hazardous Materials (HAZMAT) Response Team Response Areas.
Includes-Establishment of response areas, acceptable response times, assignment of

- primary and secondary response areas, serving as a chemical assessment team (CAT), designating additional CATs, reviewing response area designations, and clarifying team responsibility to respond statewide.
- B. Establishing Qualifications of Team Members. Includes: Qualifications, medical support team members, continuing education requirements, team training, review of training and continuing education, certifying compliance with qualification requirements and with medical requirements, substitution of training requirements, and reviewing training requirements.
 - C. Training Requirements. Includes: Training provided by the employer and by the commissioner of the Department of Public Safety (DPS).
 - D. Composition of Teams. Includes: Composition of emergency response teams (ERTs) and CATs, training required in order to respond as an ERT or CAT.
 - E. Responsibilities of Teams. Includes: Response at direction of DPS Commissioner, responsibilities of ERTs and CATs, additional responsibilities of CATs, support of clean-up operations, prohibited actions, reporting and documentation, and notification upon completion of response.
 - F. Establishment of Suggested Operating Guidelines. Includes: Initial guidelines and review/revision.
 - G. Emergency Preplanning. Includes: The provision of information, by state agencies and local governments, when requested by the DPS Commissioner, development by facilities of prevention and response plans, and the Commissioner's dissemination of information to teams, upon request.
 - H. Emergency Response Assistance. Includes: Authorization for ERTs and CATs to secure, during an emergency response, necessary technical assistance and specialized equipment.
 - I. Review and Evaluation of Response. Includes: Requirement that ERTs and CATs evaluate their response to an incident within 30 days.
 - J. Supplies, Equipment and Vehicles. Includes: Equipment for ERTs and CATs and emergency response vehicle requirements.
 - K. Selection of Teams. Includes: Requests for proposals, proposal evaluation, and evaluation criteria, conflicts of interest, award of and term of contracts, and contractor compensation.
 - L. Emergency Response Criteria and Dispatching. Includes: Criteria, alternate response and special response criteria, procedure for requesting and canceling a request for a team, terminating a team response and deployment times.
 - M. Cost Recovery. Includes: Submission of claims by teams, payment and recovery of team response costs, eligible and illegible costs, billing.
 - N. Coordinating Response Activities. Includes. Coordination with local authorities, state agencies, responsible parties, other states and the federal government, Indian tribes, coordination of team operations.
 - O. Mutual Aid Agreements.
 - P. Liability and Worker's Compensation Coverage.

III. Suggested Changes

The department does not believe that amendments to Chapter 7513 are needed.

**State Fire Marshal Division
MN Rules Chapter 7510**

MN State Fire Code

I. Rules Recommended for Repeal

There are no rules under Chapter 7510 that are recommended for repeal. The State Fire Marshal adopted new rules under Chapter 7510 on March 31, 2003, replacing the Uniform Fire Code - 1997 edition with the International Fire Code - 2000 edition, as amended.

II. Rational for Rules

Chapter 7510 establishes a statewide code known as the Minnesota State Fire Code. The purpose of the code is to establish minimum uniform fire and life safety requirements designed to protect the lives and property of Minnesota citizens and visitors. Authority for adopting this code is found in MN Stat. 299F. 011, Subd. 1.

Pursuant to the requirements of MN Stat. 299F.011, the State Fire Marshal has adopted a model fire code commonly known as the International Fire Code (IFC) - 2000 edition. The IFC was drafted by nationally recognized experts in the fire protection field, based on recommendations received from knowledgeable fire and building officials, architects, engineers and representatives from the various industries to which the code applies.

The IFC was adopted in its entirety and simultaneously amended in order to be consistent with Minnesota statutes and administrative rules, incorporate recommendations of the Minnesota State Fire Chiefs' Association Code Committee, and to address fire and life safety concerns specific to Minnesota. Other amendments were made in order to correlate the provisions of the State Fire Code with those of the State Building Code so as to adopt a comprehensive set of compatible codes.

III. Suggested Changes

The State Fire Marshal has not identified any amendments that are needed to Chapter 7510.

The State Fire Code is reviewed on a three-year cycle to ensure that its provisions remain well suited to the needs of the state. That process will begin late in 2003 for possible revision in 2006.

Fire Marshal Division MN Rules Chapter 7512 Fire Protection Systems

I. Rules Recommended for Repeal

There are no rules under Chapter 7512 that are recommended for repeal. The State Fire Marshal is currently engaged in a rule making process with respect to this chapter. As a result of that process, certain rules appropriate for repeal may be identified and repealed through the rule making process.

II. Rationale for Rules

Chapter 7512 establishes rules for the administration of the Fire Protection Systems Program. Authority for adoption of the rules is found in MN Stat. 299M.04.

Chapter 7512 is necessary in order to properly implement the provisions of MN Stat. 299M, the purpose of which is to ensure that fire protection systems are designed and installed in accordance with nationally recognized standards by individuals properly trained, examined and licensed/certified to perform those functions.

These rules implement the provisions of MN Stat. 299M by establishing requirements and procedures for the initial and renewal licensure of fire protection system contractors and design contractors, and the initial and renewal certification of managing employees, and journeyman and limited journeyman sprinkler fitters. The rules also establish examination and continuing education requirements for contractors, managing employees and journeyman fitters, operating requirements for contractors including contractor insurance and bond requirements, requirements for the issuance of work permits, and the review of fire protection system design plans and inspection of installed systems. Annual licensure and certification fees, suspension/revocation of licenses and certifications, and administrative penalty provisions are included.

III. Suggested Changes

Chapter 7512 is currently being reviewed by an advisory committee established for that purpose. It is anticipated that the committee will make some suggestions for change however, final recommendations will not be known until that process is completed prior to January 1, 2004.

Chapter 6700 Minnesota Board of Peace Officer Standards and Training Training and Licensing

I. Rules Recommended for Repeal

There are no rules included in *Minnesota Rules*, Chapter 6700 recommended for repeal.

II. Rationale for Rules

The rules included in *Minnesota Rules*, Chapter 6700 define the duties of the Board relating to the training and licensing of peace officers and part-time peace officers in the state of Minnesota. The rules provide the necessary guidelines for standards involving the selection, education and training of all peace officers.

III. Suggested Changes

As of July 2003, the Board has not identified any crucial amendments to Chapter 6700. The Board will continue to review the rules for possible repeal in the future.

Chapter 7560 Office of Pipeline Safety Excavation Notice System

I. Rules Recommended for Repeal

There are no rules under Chapter 7560 recommended for repeal at this time.

II. Rational for Rules

The rules under Chapter 7560 are needed to enforce the provisions of Minnesota Excavation Notice System (MN Stat. 216D). Minnesota Statutes, section 299J.04, sub. 4, gives the commissioner of Public Safety the authority to “adopt rules to implement sections 299J.01 to 299J.17” of the Minnesota Statutes. Minnesota Statutes, section 299J.01, subdivision 1, gives the commissioner the duty to “enforce sections 216D.01 to 216D.09, as provided in sections 216D.08 and 216D.09.”

The rules clarify specific ambiguities in the law as well as establish guidelines for imposing penalties on persons who violate the law. These rules form the basis for the Gopher State-One Call system, which is a one-call facility where all utilities participate in the membership to identify and mark their facilities before digging. This organization is a major component in reducing damages to our underground utility structure. The Office of Pipeline Safety has been the enforcement and education agency for this law since 1988.

III. Suggested Changes

In 2001-2002, this Office assembled an advisory committee made up of over 35 government and industry representatives. For over 9 months, the group and subgroups met regularly to discuss 24 separate problems areas and recommend possible solutions. In 2003, the Department will look at implementing some of the recommendations through the administrative rules process.

Chapter 7535 Office of Pipeline Safety Model Pipeline Setback Ordinance

I. Rules Recommended for Repeal

There are no rules under Chapter 7535 recommended for repeal at this time.

II. Rational For Rules

These rules were provided to allow cities to pass more restrictive setback ordinances from pipeline easements or rights-of-ways if they choose. This is a public safety issue related to land use near a pipeline. It is particularly critical to have adequate setbacks so buildings do not encroach on the easement and places of public assembly (playgrounds, ballparks, football fields etc) are not placed over a pipeline. Absent a local government from passing local ordinances, the general state model applies which allows building up to the edge of the easement, but prohibits places of “public assembly” over the easement. The easement must also be free of obstacles to allow for emergency repairs, emergency access and aerial or ground observation for potential leaks.

III. Suggested Changes

Any future changes should consider a greater state setback distance from the pipeline easement, since research has now demonstrated that a rupture from a liquid pipeline can have a damage area of up to 150 feet causing serious injuries or death. Some municipalities have passed 50-100 foot setbacks. Of particular concern should be the placement of schools, hospitals, nursing homes, correctional institutes, residences or other permanently housed facilities near pipelines.

Chapter 7530
Office of Pipeline Safety
Pipeline Safety Enforcement and Sanctions

I. Rules Recommended for Repeal

There are no rules under Chapter 7530 recommended for repeal at this time.

II. Rational For Rules

The rules under Chapter 7530 were developed to enforce the state pipeline safety statutes in MN Stat. 299J. The statute was developed by the legislature in 1987 following the tragic Mounds View Williams' pipeline accident. At the time, minimal state pipeline inspectors existed in the Fire Marshal Division and the federal government inspected interstate pipelines, such as Williams. This law created a separate Office of Pipeline Safety in the Department of Public Safety and provided inspection, enforcement, and education responsibilities for pipeline safety statewide. Additionally, it required seeking federal interstate agent authority with U.S. Department of Transportation, to qualify to inspect all interstate pipelines as well. The rules define this inspection authority, civil penalty procedure, administrative relief, and also the funding mechanism for the Office. This special revenue assessment to the utilities with a matching a federal grant up to 50%, form the basis for funding the Office of Pipeline Safety.

III. Suggested Changes

These Rules have adopted the federal pipeline safety code of standards 49 CFR 190-199. Recent changes in higher federal penalties for willful violations of pipeline safety have been increased. In the future, these higher penalties should be incorporated into the state statue and rules for consistency.

Department of Public Safety
Private Detective and Protective Agent Services Board
Chapter 7506
Private Detectives and Protective Agents

I. Rules Recommended for Repeal

Minnesota Rules, part 7506.0140, subparts 1, 3, 4, and 5 were repealed in May 2003 because they contained fees that were made obsolete by the passage of superceding legislation. There are no other rules under Chapter 7506 recommended for repeal at this time.

II. Rational For Rules

The administrative rules that are set forth in board rules encompass three areas:

board operations, procedures addressing licenses issued (including how the board considers discipline) and the particulars of mandatory training requirements.

Each of these rules remain necessary to implement MN Stat. 326.32-3260.339 by ensuring that consistent information is available to the public pertaining to structure and operation of the board, licensing procedures and training provider requirements.

III. Suggested Changes

No suggested changes to this chapter of rules are planned at this time.

State Patrol Division Chapter 7415 School Safety Patrols

I. Rules Recommended for Repeal

There are no rules under Chapter 7415 recommended for repeal.

II. Rationale for Rules

The rules in Chapter 7415 establish the method of identification and types of signals for school safety patrols. The rules provide clarification and consistency of equipment standards and proper usage procedures. This is essential to ensure consistency in appearance for ready recognition by motorists.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7415.

State Patrol Division Chapter 7418 Police Radio Communications

I. Rules Recommended for Repeal

There are no rules under Chapter 7418 recommended for repeal.

II. Rationale for Rules

The rules in Chapter 7418 assist in the creation and implementation of the statewide plan for a coordinated system of police radio communications. The rules create a common statewide emergency frequency and establish procedures for the use of that frequency to ensure use is consistent with the intended purpose.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7418.

**State Patrol Division
Chapter 7425
Vehicle Lighting, Glazing and Towing Standards**

I. Rules Recommended for Repeal

There are no rules under Chapter 7425 recommended for repeal.

II. Rationale for Rules

The rules in Chapter 7425 prescribe the requirements for motor vehicle lighting devices, safety glazing materials, and towing devices, which are not federally regulated and are used on vehicles in Minnesota.

Lighting devices, safety glazing material, and towing devices certified by the manufacturer as meeting the applicable federal motor vehicle safety standards in Code of Federal Regulations, title 49, are approved and incorporated by reference to these rules.

These rules are essential to regulate and ensure testing of those devices that are offered for sale and are not subject to or certified in compliance with an applicable federal motor vehicle safety standard. These rules ensure that lighting devices are not excessively bright or blinding to other motorists, that safety glazing material performs as expected, and towing devices are sufficiently constructed to hold and control the towed vehicle at all times.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7425.

State Patrol Division

**Chapter 7440
Slow Moving Vehicle Emblems**

I. Rules Recommended for Repeal

There are no rules under Chapter 7440 recommended for repeal.

II. Rationale for Rules

Minnesota Statutes 169.522 mandates the rules in Chapter 7440 with reference to the standards and specifications for the design and position of mounting of slow moving vehicle emblems.

Slow moving vehicle emblems are used to identify vehicles, which are designed for operation at speeds less than 25 miles per hour. These vehicles normally travel at speeds significantly less than regular vehicular traffic and create a special type of traffic hazard.

These rules are essential to regulate the design and consistent placement of slow moving vehicle emblems for ready identification by other motorists of the presence of the special hazard.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7440.

State Patrol Division Chapter 7445 Passenger Automobile Tires

I. Rules Recommended for Repeal

There are no rules under Chapter 7445 recommended for repeal.

II. Rationale for Rules

The rules in Chapter 7445 establish minimum standards for the safe operating conditions of tires in use on passenger automobiles, and other highway –use motor vehicles using passenger automobile-type tires.

These rules are essential to regulate the condition of passenger automobile tires to ensure the tires are safe and free from defects, which could cause a failure during operation on the highways.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7445.

State Patrol Division Chapter 7450 Wheelchair Safety Devices

I. Rules Recommended for Repeal

There are no rules under Chapter 7450 recommended for repeal.

II. Rationale for Rules

The rules in Chapter 7450 establish minimum standards for approval of wheelchair securement devices in vehicles and approval of seatbelt assemblies and anchorages used to protect persons in wheelchairs while transported in vehicles.

These rules are essential to ensure the safety of disabled persons occupying a wheelchair while being transported by motor vehicle.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7450.

**State Patrol Division
Chapter 7460
Motorcycle Helmets, Snowmobiles on Roads**

I. Rules Recommended for Repeal

There are no rules under Chapter 7460 recommended for repeal.

II. Rationale for Rules

The rules in Chapter 7460 establish minimum standards for design and construction of protective headgear to be worn by operators and passengers of motorcycles, and regulate the operation of snowmobiles upon the streets and highways of the State of Minnesota.

These rules are essential to ensure that motorcycle headgear meets certain minimum standards of construction and protection of the user. These rules are essential to ensure that any snowmobile when operated within the right of way of a street or highway meets certain minimums for safe operation.

III. Suggested Changes

The department has not identified any amendments that are needed to Chapter 7460.

**State Patrol Division
Chapter 7470
School Bus Inspection Certificates**

I. Rules Recommended for Repeal

There are no rules under Chapter 7470 recommended for repeal.

II. Rationale for Rules

The purpose of this chapter is to establish rules governing the issuance and display of school bus inspection certificates, consistent with the provisions of Minnesota Statutes, section 169.451, and to establish a point system to evaluate the effect on safety operation of any variance from law detected during school bus inspection, consistent with the mandate of the legislature. These rules remain necessary to implement MN Stat. 169.71, which was amended during the 2003 legislative session.

III. Suggested Changes

In the next year, the department will be identifying what changes need to be made to this chapter based on the amendments to the enabling statute, which passed during the 2003 legislative session.