



Board of County Commissioners Agenda Request

2AA
Agenda Item #

Requested Meeting Date: July 14, 2020

Title of Item: Deputy Registrar Agreement

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| <input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY | Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i> | <input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* |
| Submitted by: Kirk Peysar | | Department: County Auditor-Deputy Registrar #83 |
| Presenter (Name and Title): Kirk Peysar | | Estimated Time Needed: n/a |
| Summary of Issue: The Minnesota Department of Public Safety has requested to update and renew the Deputy Registrar Agreement. This agreement covers licensing activities in the License Center. | | |
| Alternatives, Options, Effects on Others/Comments: | | |
| Recommended Action/Motion: Authorize signatures on the agreement | | |
| Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ unknown Is this budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please Explain: | | |

Legally binding agreements must have County Attorney approval prior to submission.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Alcohol
and Gambling
Enforcement

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Emergency
Communication
Networks

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Pipeline Safety

Office of
Traffic Safety

State Fire
Marshal

Driver and Vehicle Services

445 Minnesota Street • Saint Paul, Minnesota 55101

Driver Services Phone: 651.297.3298 • Vehicle Services Phone: 651.297.2126

Fax: 651.797.1120 • TTY: 651.282.6555

dps.mn.gov

The Commissioner of Public Safety (hereinafter "Registrar of Vehicles" or "Registrar") appoints Kirk Peysar, Aitkin County Auditor, Deputy Registrar of Vehicles (hereinafter "Deputy Registrar") for the State of Minnesota under the authority of Minnesota Statutes, section 168.33 and the appointment is subject to the conditions thereof.

The appointment confirms the duties and responsibilities are conferred as of May 4, 2020 and shall be effective upon full execution of this agreement. The Deputy Registrar appointment may be revoked for cause under the guidelines of Minnesota Statutes, section 168.33 or in accordance with Minnesota Rules, Chapter 7406.

The Registrar and Deputy Registrar agree to the following rights and responsibilities:

1. The Deputy Registrar understands that by accepting this Appointment, the Deputy Registrar serves the public interest of the people of Minnesota and subscribes by oath to faithfully discharge the duties of the appointment and to uphold the laws of the state.
2. To faithfully discharge the duties of a Deputy Registrar to the people of Minnesota requires each Deputy Registrar to extend prompt and courteous treatment to all customers regardless of race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance status, age, sexual orientation, and local human rights commission activity in accordance with the Minnesota Human Rights Act (MHRA).
3. To faithfully discharge the duties of a Deputy Registrar to the people of Minnesota requires each Deputy Registrar to train all employees on the administration of laws and rules of the State of Minnesota regarding motor vehicle registration and title transfers imposed under Minn. Stat. § 168 and 168A. At a minimum, the required training for each Deputy Registrar employee must be the successful completion of the Driver and Vehicle Services (DVS) Title Certification course. The Deputy Registrar must report to the Registrar each employee's proficiency in performing and carrying out their duties on an annual basis. DVS can be a resource to assist with providing the training but the Deputy Registrar is responsible for all employee training and any associated costs.

4. To faithfully discharge the duties of a Deputy Registrar to the people of Minnesota requires each Deputy Registrar to develop and publish policies that are comparable with State of Minnesota Management and Budget policies on the following:
 - a. HR/LR policy 1432 – Respectful Workplace
 - b. HR/LR policy 1436 – Harassment and Discrimination Prohibited
 - c. HR/LR policy 1329 – Sexual Harassment Prohibited
 - d. HR/LR policy 1417 – Code of Ethics

The Deputy Registrar may choose to use an existing policy that aligns with the intent and expectations of the above referenced policies or may develop their own policy that is in line with the intent and expectations of the above reference policies, or adopt each policy in whole for use at the Deputy Registrar office. The Deputy Registrar must train all employees on the policies and must annually report to the Registrar each employee's review and understanding of the policy. The Deputy Registrar is responsible for all costs of the necessary training for all employees.

5. The Deputy Registrar must report all complaints, findings or determinations of administrative or legal claims related to protected-class harassment and/or discrimination to the Registrar in a timely manner.
6. The Deputy Registrar must cooperate with the Registrar, or the Registrar's agents, to resolve complaints received by the Registrar, including cooperating with any administrative investigation into allegations of discrimination, harassment, or other misconduct by Deputy Registrar or the Deputy Registrar's employees and by providing requested information.
7. The Deputy Registrar understands that under the provisions of Minn. Stat. § 168.33, subd. 2b that while the Deputy Registrar serves the public interest and convenience of the people of Minnesota, the Deputy Registrar is not a State of Minnesota employee, nor are any employees or contractors of the Deputy Registrar employees of the State of Minnesota.
8. In accordance with Minn. R 7406.0500, subp. 1, the Deputy Registrar shall not delegate to another person the authority or responsibility of operating the office, shall designate one "contact person" to act as liaison between the Registrar and the Deputy Registrar. The contact person must be a person who actively participates in the processing of transactions and who is in the office on a full-time basis. The Deputy Registrar will remain responsible for the acts of the contact person and must establish and document an internal control process of communication or reporting for oversight of the contact person.
9. The Deputy Registrar must maintain, in a convenient location within the boundaries of the Deputy Registrar's jurisdiction, facilities for registration and motor vehicle tax collection that conforms to the requirements of Minn. R 7406.0400. The facilities must include, but are not limited, to the physical Deputy Registrar office designated as the main place of business but must also include any customer self-service kiosks, any temporary or special office locations, any mobile services (e.g., buses), and any type of electronic commerce devices, which includes but is not limited to applications on smartphones or websites and are subject to review and approval by the Registrar.

10. The Deputy Registrar's primary office must be open for business at least 40 hours during each week unless the Registrar grants a variance as provided for in Minn. R 7406.0500, Subp. 2a. Legal holidays listed in Minn. Stat. § 645.44, subd. 5 and holidays for county offices authorized under Minn. Stat. § 373.052, subd. 1 are included in the 40-hour calculation. The Deputy Registrar must clearly post business hours for the public and provide the Registrar with an accurate written schedule of when the office is open for public business. A written request for a permanent change in business hours must be made to the Registrar at least 10 days prior to the change. The Deputy Registrar must notify the Registrar of an emergency or short-term closure of one day or less by telephone or email at the earliest opportunity.
11. In conformity of Minnesota R, 7406.0400, subp. 5 each Deputy Registrar location or locations must be accessible to the disabled in compliance with state and federal laws and regulations. Each Deputy Registrar office must be in compliance with the revised regulations of the Americans with Disability Act of 1990 (2010 ADA Standards for Accessible Design, hereinafter "2010 Standards") for all new construction and alterations to any Deputy Registrar office. The Deputy Registrar is responsible for any compliance costs.
12. The Deputy Registrar must maintain permanent signage in a prominent location advising individuals that they may request an ADA accommodation and may file complaints internally with the Deputy Registrar or with the Registrar.
13. The Deputy Registrar must charge and receive for each motor vehicle application presented a filing fee as prescribed in Minn. Stat. § 168.33, subd. 7 and must report daily to the Registrar all registrations made and the taxes and fees collected. The filing fee is the property of the Deputy Registrar and is the full compensation for the receipt and processing of each application. A rebate of the required filing fee to any customer or customers is prohibited under Minn. R. 7406.0500, subp. 5.
14. All motor vehicle fees and taxes collected and all motor vehicle transactions collected by the Deputy Registrar must be reported each working day and transmitted to the Registrar in accordance with Minn. R. 7406.0450 subp. 2. All motor vehicle fees and taxes collected, including any shortages or unsettled credit card and debit card transactions made by the Deputy Registrar must be deposited daily in accordance with Minn. R. 7406.0450, subp. 3 through Minn. R. 7406.0450 subp. 3b. The Deputy Registrar must maintain complete records for deposits made to approved state depositories and the daily reports prepared for motor vehicle registrations and motor vehicle fees and taxes collected in accordance with Minn. R. 7406.0450, subp. 4.
15. The Deputy Registrar must keep records and make reports of motor vehicle taxes, fees, and deposits that conform to the requirements of Minn. R 7406.0450. In accordance with Minn. R 7406.0475 at the request of the Registrar, the Deputy Registrar must make available for audit all motor vehicle fee and tax records for all transactions occurring during the state's biennial fiscal cycle for each location of the Deputy Registrar.

16. Each Deputy Registrar must comply with the Minnesota Government Data Practices Act, Minn. Stat. § 13 and with 18 United States Code, Chapter 123 (Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records) as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Deputy Registrar under this Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data governed by the Minnesota Government Practices Act, Minn. Stat. § 13, by either the Deputy Registrar or employees of the Deputy Registrar as well as to the Registrar or employees of the Registrar. Furthermore, if the Deputy Registrar receives at any time a request to release the data referred to in this clause, the Deputy Registrar must immediately notify and consult with the State's Authorized Representative as to how the Deputy Registrar should respond to the request. The Deputy Registrar's response to the request must comply with applicable law.
17. The Deputy Registrar must train all employees in data privacy compliance and must annually certify each staff member's proficiency to the Registrar on an annual basis. DVS can be a resource to assist with providing the training but the Deputy Registrar is responsible for all employee training and any associated costs.
18. Pursuant to Minn. Stat. § 171.12, an authorized individual's ability to enter, update, or access data in the system must correspond to the official duties or training level of the individual and to the statutory authorization granting access for that purpose. All queries and responses, and all actions in which data are entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit trail is public information to the extent the data is not otherwise classified by law. A Deputy Registrar or employee who willfully gains access to data without authorization by law must be referred by the Department of Public Safety to the appropriate prosecuting authority for prosecution.
19. Pursuant to Minn. R. 7406.0400, subp. 7 the Deputy Registrar may not own, or be a partner, officer, or five-percent shareholder in a financial institution, motor vehicle dealership or an automobile insurance business. Further, the Deputy Registrar must develop, publish and train all of the employees of the Deputy Registrar on a policy that is comparable to HR/LR policy 1417 (Code of Ethics). The policy is available on the Minnesota Management and Budget (MMB) website. The Deputy Registrar may choose to use an existing policy that aligns with the intent and expectations of the above referenced policies or may develop their own policy that is in line with the intent and expectations of the above reference policies, or adopt each policy in whole for use at the Deputy Registrar office. The Deputy Registrar must train all employees on the policy and must report annually to the Registrar each employee's review and understanding of the policy.
20. The Registrar must furnish to the Deputy Registrar the necessary registration (license) plates, validation stickers, and procedures for the registration of motor vehicles. The Deputy Registrar is responsible for regularly reconciling and identifying unaccounted for registration plate and validation sticker inventory, investigating possible causes of unaccounted for inventory, and notifying DVS immediately of any possible malfeasance. The Deputy Registrar acknowledges financial accountability for license plates and validation stickers pursuant to Minn. R. 7406.0500, subp. 10.

21. The Deputy Registrar must purchase at a cost determined by the Registrar the necessary motor vehicle certificate of title paper stock from a vendor designated by the Registrar to provide over the counter service in the printing a duplicate certificate of title. The Registrar must furnish the procedures for printing the duplicate certificate of title.
22. The Deputy Registrar must provide for and maintain at their own expense a technology infrastructure of physical hardware necessary to interconnect computers and users in conformity with Minn. R. 7406.0400, subp. 3a. The technology infrastructure includes the installation and management of hardware and software used to send, receive and manage data that is compatible with the DPS enterprise networking system maintained by DVS commonly referred to FAST-DS, VTRS and MNDrive. In order to accomplish the transmission and receipt of data, the Deputy Registrar must have hardware and software that meets or exceeds the Minnesota IT Services (MNIT) minimum system requirements. The minimum system requirements are shown in Attachment A and are incorporated into this agreement.
23. Pursuant to Minn. R. 7406.0500 subpart 7a, the Deputy Registrar must accept credit card and debit card for a motor vehicle transaction unless a variance is approved. A Deputy Registrar may choose to operate a point of sale system provided the same convenience fee is charged that all Deputy Registrars charge, the system is compatible with the State of Minnesota credit card vendor, and there is no cost to the to the State of Minnesota for the operation and maintenance of the system. All point of sale systems must be approved by the Registrar prior to installation or operation. Deputy Registrars who accept credit cards and debit cards must comply with the most recent version of the Payment Card Industry Data Security Standard ("PCI DSS") established by the PCI Security Standards Council. These standards are available online at: https://www.pcisecuritystandards.org/documents_library. The Deputy Registrar must, annually and upon request, provide the Registrar with the current annual Attestation of Compliance report.
24. Pursuant to Minn. R. 7406.0800, the failure of a Deputy Registrar or employee of a Deputy Registrar to comply with this agreement, the applicable laws or rules governing the operation of a Deputy Registrar office may be cause for discontinuing the appointment under the provisions of Minn. R. 7406.0900 through Minn. R. 7406.100; or the Registrar may issue a corrective order, injunction or administrative penalty order under the authority of Minn. Stat. § 299A.80, Minn. Stat. § 299A.801 and Minn. Stat. § 299A.802.

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Indemnification.

The Deputy Registrar must indemnify, save, and hold harmless the State, its agents, and employees, from any claims or causes of action, including attorney's fees incurred by the State, to the extent caused by the Deputy Registrar's:

- a) Intentional, willful, or negligent acts or omissions;
- b) Actions that give rise to strict liability; or
- c) Breach of contract or warranty.

The indemnification obligations of this section do not apply in the event the claim or cause of action is the result of the State's sole negligence. This clause will not be construed to bar any legal remedies the Deputy Registrar may have for the State's failure to fulfill its obligations under this Agreement.

Applicable Law.

Minnesota law, without regard to its choice-of-law provisions, governs this Agreement. Venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

By signing this appointment, the Deputy Registrar acknowledges having read and understood Minnesota Statutes, section 168.33 and Minnesota Rules, Chapter 7406, and accepts these conditions, which are understood and accepted as necessary to the efficient conduct of this business, and as conditions precedent and subsequent to continuation in office.

Further, by signing below the Deputy Registrar subscribes by oath to faithfully discharge the duties of the Deputy Registrar and to uphold the laws of the State of Minnesota.

Dated this _____ day of _____ 20__.

Registrar of Motor Vehicles
Commissioner, Department of Public Safety
State of Minnesota

Signature

Director of Driver and Vehicle Services
Department of Public Safety
State of Minnesota

Signature

Deputy Registrar Appointee
Deputy Registrar # _____
Aitkin County
State of Minnesota

Signature

Attachment A – Minimum System Requirements

DVS and MNIT strongly encourage Deputy Registrars and Driver License Agents to engage with a reputable IT Managed Service provider in their area.

| | |
|--------------------------|--|
| Operating System: | Windows 10 |
| Processor: | 1.8 gigahertz (GHz) or faster compatible processor or System on a Chip (minimum) Recommended: Intel® Core i5 2.7GHz Processor (or better) |
| RAM: | 4 GB (minimum) 8 GB (recommended) |
| Hard drive size: | 64 GB or larger hard disk (or greater) |
| Graphics card: | Compatible with DirectX 9 or later with WDDM 1.0 driver (or better) |
| Display: | 1024x768 (or better) |

Additional Information

- Systems, services, updates, and patching will be reviewed and maintained for compliance every 30 days (monthly):
 - Operating systems
 - Internet browsers
 - Drivers
 - Antivirus solutions
 - Third party applications

- Deputy Registrars are responsible for support and maintenance of their IT infrastructure including but not limited to:
 - System management and security
 - Network management and security
 - Attached peripherals

- DVS reserves the right to block access to internal systems and services for users, sites, endpoints, and protocols which are not compliant with minimum hardware, browser, or security requirements.

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Supported Browsers:

| Browser: | FAST | MNLARS | HP Permits | ESupport |
|---|-------------|---------------|-------------------|-----------------|
| Internet Explorer 11 Current version and one prior version | ■ | ■ | ■ | |
| Internet Explorer 9 or above (must be run in compatibility mode) | ■ | | | ■ |
| Microsoft Edge Current version and one prior version | ■ | ■ | | |
| Safari Current version and one prior version | ■ | | | |
| Google Chrome Current version and one prior version | ■ | ■ | ■ | |
| Mozilla Firefox Current version and one prior version | ■ | | | |
| Opera Current version and one prior version | ■ | | | |

Additional Information

- JavaScript and Cookies must be enabled for all web browsers.
- If using a browser other than the supported desktop browser (for example, a mobile device or tablet), MNLARS and ESupport may not work.
- Supported web browsers without a version identified should be understood to be the most recent fully patched version of that browser.
- Limited support will be provided for versions of supported web browsers released within the last 12 months.
- There is no support for beta versions of browsers. Browsers such as Internet Explorer, Firefox, and Chrome may automatically update to the latest browser version that is compatible with client operating systems. If you are using a recently released browser update, please be aware that there may be a delay in support of the new browser release while we conduct reviews and implement product adjustments.

Scanners

Scanning station requirements:

- Windows 10 compatible
- 64 bit
- Minimum scanner quality of 150 dpi
- .NET Framework version 4.7.2 or greater
- TLS 1.2 (Windows 10 automatically supports TLS 1.2)

Laser Printers

Laser printers will be used to print vehicle permits and registration stickers.
Color is not required.

- High-quality laser printer
- Print resolution 300 dpi
- Windows 10 compatible

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