

Minnesota Department of Commerce

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Auto Self-Insurance, *Minnesota Rules*, chapter 2770; Revisor's ID Number R-04847.

Introduction. The Department of Commerce intends to amend rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until **January 5, 2024**.

Agency Contact Person. Submit comments or questions on the rules to: Lynn Thompson at Minnesota Department of Commerce, 85 7th Place East, Suite 280, St. Paul, MN 55101, (651) 539-1822, lynn.thompson@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The proposed rule amendments modernize the financial criteria the commissioner of commerce must consider when authorizing automotive self-insurance under the Minnesota No-Fault Automobile Insurance Act (No-Fault Act) and give the commissioner of commerce additional discretion to authorize and revoke automotive self-insurance authority. Specifically, the rule amendments define working capital, allow the commissioner to consider an applicant's working capital instead of its net funds flow when granting self-insurance authority to applicants that are not political subdivisions, grant the commissioner of commerce discretion to authorize self-insurance authority to applicants who may not otherwise qualify if they can demonstrate a continuing ability to satisfy any financial obligations they may incur under the No-Fault Act, and grant the commissioner of commerce discretion to revoke a self-insurer's authority to self-insure.

The statutory authority to adopt the rules is Minnesota Statutes, section 65B.48, subd. 3a. The statutory authority to adopt the rules under the expedited rulemaking process is Laws of Minnesota 2023, Chapter 57, Article 2, Section 64.

A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may also be viewed at mn.gov/commerce/business/rulemaking.jsp.

Comments. You have until **4:30 p.m. on Friday, January 5, 2024**, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period.

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

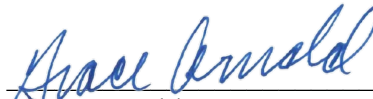
Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Expedited Rules. The agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

November 13, 2023

Date



Grace Arnold
Commissioner