Notice of Intent to Adopt Expedited Rules

Minnesota Department of Commerce

Weights & Measures Division

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Relating to Certain NIST Handbook References, *Minnesota Rules*, part 7601.1000; Revisor's ID Number R-05014

Introduction. The Minnesota Department of Commerce intends to adopt rules under the expedited rulemaking process following the rules of the Court 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 **4:30 p.m. on Friday, December 18, 2026.**

Subject of Rules. The proposed expedited rule amends *Minnesota Rules*, part 7601.1000 to incorporate the 2025 version of NIST Handbook 44 by reference. In 2025, Minnesota enacted *Minnesota Statutes* section 239.90, which established clear authority for the department to regulate Electric Vehicle Supply Equipment (EVSE). The current version of *Minnesota Rules,* part 7601.1000 incorporates the 2019 version of NIST Handbook 44 by reference. The 2019 version of NIST Handbook 44 contains only a tentative EVSE code, whereas the 2025 version includes a permanent, fully vetted EVSE code developed through the national consensus process. The proposed expedited rule therefore updates *Minnesota Rules,* part 7601.1000 to ensure the version of NIST Handbook 44 incorporated by reference under the rule reflects the appropriate national standards for EVSE regulation.

The proposed expedited rule also removes *Minnesota Rules*, part 7601.1000, subpart 1(C), which states that "[t]he specification S.1.2.2.2., section 2.20 Scales, does not apply." When the relevant specification was adopted, it did not reflect how the department treated high accuracy scales. The specification has been updated, and the specification in the 2025 version of NIST Handbook 44 now accurately reflects how the department treats high accuracy scales. The removal of *Minnesota Rules*, part 7601.1000, subpart 1(C) does not alter the department's established treatment of high accuracy scales.

Statutory Authority. The statutory authority to adopt these rules is *Minnesota Statutes* section 239.06.

The statutory authority to adopt the rules under the expedited rulemaking process is *Minnesota Statutes* section 239.90, subdivision 7.

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

Department Contact Person. The department contact person is Brett Willhite at the Minnesota Department of Commerce—Weights & Measures Division, 651-539-1564, brett.willhite@state.mn.us. You may contact the department contact person with questions about the rules.

Public Comment. You have until **4:30 p.m. on Friday, December 18, 2026**, 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 Court of Administrative Hearings by the due date. 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. If the proposed expedited rules affect you in any way, the department encourages you to participate in the rulemaking process.

Submit written comments via the Court of Administrative Hearings Rulemaking Public Comment Portal (https://comment.mn.gov/), by U.S. Mail delivered to the Court of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, or by fax (651) 539-0310.

All comments or responses received are public data and will be available for review on the Comment Portal website.

Modifications. The department may modify the proposed expedited rules using either of two avenues: The department 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 department 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 department 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 department must publish a copy of the changes in the *State Register*.

Adoption and Review of Rules. The department may adopt the rules at the end of the comment period. The department will then submit rules and supporting documents to the Court of Administrative Hearings for review for legality. You may ask to be notified of the date that the department 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 department to receive notice of future rule proceedings, submit your request to the department contact person 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 about 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.

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 department contact person at the address or telephone number listed above.

November 6, 2026
Date

Julia Dreier
Temporary Commissioner