

CHAPTER 8880
DEPARTMENT OF TRANSPORTATION
LIMOUSINE SERVICE, PERMIT REQUIREMENTS

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8880.0100 DEFINITIONS.

Subpart 1. **Scope.** Unless the language or context clearly suggests a different meaning is intended, words, terms, and phrases used in this chapter have the meanings given them in this part.

Subp. 2. **Bus.** "Bus" has the meaning given it in Minnesota Statutes, section 169.01, subdivision 50.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 4. **Conviction.** "Conviction" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 13.

Subp. 5. **Criminal record.** "Criminal record" means the conviction records of the Minnesota Bureau of Criminal Apprehension in which the last date of discharge from the criminal justice system is less than five years.

Subp. 6. **Department.** "Department" means the Minnesota Department of Transportation.

Subp. 7. **Driver.** "Driver" means a person who drives or is in actual physical control of a limousine providing limousine service.

Subp. 8. **For hire.** "For hire" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 16.

Subp. 9. **Limousine.** "Limousine" means an unmarked luxury passenger automobile that is not a van or station wagon and has a seating capacity of not more than 12 persons, excluding the driver.

Subp. 10. **Limousine operator.** "Limousine operator" means a person who owns or leases and operates a limousine and who is subject to Minnesota Statutes, section 221.84, and this chapter. "Limousine operator" does not include a broker or other person who arranges for, but does not provide, limousine service.

Subp. 11. **Limousine service.** "Limousine service" means a service that:

- A. is not provided on a regular route;
- B. is for hire;
- C. is provided in a limousine;
- D. provides only prearranged pickup; and
- E. charges more than a taxicab fare for a comparable trip.

"Limousine service" does not include service provided by a person who is a private carrier as described in Minnesota Statutes, section 221.011, subdivision 26.

Subp. 12. **Luxury passenger automobile.** "Luxury passenger automobile" means a passenger automobile that does not have a meter and:

- A. has a chassis and wheelbase that have been stretched beyond the length of the manufacturer's original specifications for the vehicle;

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B. is a sedan that the manufacturer characterizes as a luxury automobile in sales or promotional material regularly distributed to the public; or

C. is a sedan with an original manufacturer's suggested retail price or present fair market value of more than \$25,000.

Luxury passenger automobile does not include a bus, pickup truck, station wagon, taxicab, truck, or van.

Subp. 13. **Meter.** "Meter" means a device that measures the distance a motor vehicle travels, records the time a motor vehicle travels or waits, and shows the fare charged for the transportation of passengers.

Subp. 14. **Motor vehicle.** "Motor vehicle" has the meaning given it in Minnesota Statutes, section 169.01, subdivision 3.

Subp. 15. **Permit.** "Permit" means the license issued to a limousine operator under this chapter.

Subp. 16. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 6.

Subp. 17. **Pickup truck.** "Pickup truck" has the meaning given it in Minnesota Statutes, section 168.011, subdivision 29.

Subp. 18. **Political subdivision.** "Political subdivision" means a state agency, a county, a city, or the Metropolitan Airports Commission.

Subp. 19. **Prearranged pickup.** "Prearranged pickup" means limousine transportation initiated at the request of a passenger or a passenger's representative.

Subp. 20. **Public highway.** "Public highway" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 5.

Subp. 21. **Regular route.** "Regular route" means transportation on the public highways that is not prearranged pickup and is habitually conducted between fixed points over fixed routes, or on regular time schedules.

Subp. 22. **Station wagon.** "Station wagon" means a motor vehicle that is not a van, is designed primarily for the transportation of passengers, and is commonly manufactured with storage space for the transportation of property with no barrier or separation between the passenger area and the storage area.

Subp. 23. **Taxicab.** "Taxicab" means a motor vehicle, other than a limousine or bus, used for transporting passengers for compensation as determined by a meter; or by a flat rate schedule, according to the distance traveled, the time elapsed, or number of passengers carried, irrespective of whether the transportation extends beyond the boundary lines of a city.

Subp. 24. **Truck.** "Truck" means a motor vehicle designed and originally manufactured primarily for the transportation of property and not passengers.

Subp. 25. **Unmarked.** "Unmarked" means without visible numbers, letters, symbols, graphic representations, or advertising. The term unmarked does not include a license plate, vehicle identification decal, or other means of identification required by federal law or regulation.

Subp. 26. **Van.** "Van" means a motor vehicle of box-like design that is manufactured, equipped, modified, or converted as a passenger motor vehicle.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.0200 AUTHORITY.

Parts 8880.0100 to 8880.1400 are adopted under Minnesota Statutes, section 221.84, subdivision 2.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

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8880.0300 GENERAL REQUIREMENTS.

Subpart 1. **Permit required.** No person may operate a limousine service or advertise or otherwise hold out as a limousine operator without a valid permit issued by the commissioner.

Subp. 2. **Decal required.** No person may operate a limousine providing limousine service unless the limousine displays a valid limousine identification decal as required in part 8880.0700, subpart 3.

Subp. 3. **Insurance required.** The insurance requirements in Minnesota Statutes, sections 168.128 and 221.141, and parts 8855.0300, 8855.0400, and 8855.0600 to 8855.0850 apply to a limousine operator. For purposes of this subpart, "motor carrier," as used in Minnesota Statutes, section 221.141, and parts 8855.0300, 8855.0400, and 8855.0600 to 8855.0850, means a limousine operator. No person may operate a limousine providing limousine service until the person complies with the insurance requirements described in this subpart.

Subp. 4. **Advertising restrictions.** A limousine operator shall conspicuously display its permit number in advertisements or information that calls attention to or describes services offered by the limousine operator. No person, other than a limousine operator with a valid permit, may use in a name or in advertisements or information describing a service the person provides:

A. the words "limousine" or "limousine service"; or

B. the words "licensed and insured" if those words are used in a way that suggests or implies that a service is provided by a limousine operator with a valid permit.

Subp. 5. **Use of unauthorized name prohibited.** A limousine operator may not provide limousine service under a name other than the name under which a permit was obtained.

Subp. 6. **Fares and records.** A limousine operator shall charge a fare greater than a taxicab fare for a comparable trip. A limousine operator shall maintain a record of each trip provided under its permit and the fare charged for the trip. The record must meet the requirements of part 8880.1000, subpart 2.

Subp. 7. **Trip referrals.** A limousine operator may arrange with another limousine operator to provide limousine service requested by a customer only if the limousine operator:

A. that refers the service keeps the trip referral record required in part 8880.1000, subpart 3; or

B. that provides the service clearly and accurately identifies itself to the customer and keeps the trip and fare record required in part 8880.1000, subpart 2.

Subp. 8. **Leased vehicles and drivers.** A limousine operator may lease a vehicle from the vehicle's owner and use it to provide limousine service under the lessee's permit. Both the lessor and the lessee shall keep one signed copy of a written lease and a copy must be kept in the leased vehicle at all times during the term of a lease. A lease may include the services of a driver. A lease must state:

A. the names of the lessor and lessee;

B. the date and duration of the lease;

C. the terms of compensation to be paid by the lessee to the lessor;

D. the vehicle's vehicle identification number and that the lessee has exclusive possession, control, and use of the vehicle and is considered the owner of the vehicle for the duration of the lease for all purposes, including compliance with parts 8880.0300 to 8880.1300; and

E. if the lease includes the services of a driver, that the lessee assumes the responsibility of determining that the driver meets the qualifications in part 8880.0800 and shall keep the records required in part 8880.1000, subpart 5.

A lessor may not exercise control over fares charged. The provision of limousine service, including advertisements and arrangements for service, must be conducted by, and in the name of, the lessee only. A lessee or lessor may not represent, imply, or suggest that limousine service is being offered or provided by the lessor.

Subp. 9. **Solicitation prohibited.** A limousine operator, its agents or employees, may not solicit passengers in person to provide limousine service at the time of, or shortly after, the solicitation. This subpart does not prohibit a limousine operator from advertising the service it provides in the normal course of business.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.0400 LIMOUSINE SERVICE PERMIT APPLICATION; FEES.

Subpart 1. **Forms.** Application for a permit must be made on forms provided by the commissioner. Application forms may be obtained from the Minnesota Department of Transportation, Office of Motor Carrier Services, Minnesota Administrative Truck Center, 100 Stockyards Road, South Saint Paul, Minnesota 55075. Completed applications must be returned to that office.

Subp. 2. **Information required.** Applicants for a permit shall give the following information to the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business;

B. the applicant's mailing address and business telephone number;

C. the name, title, and telephone number of the individual who is responsible for the day-to-day operation of the limousine service;

D. the principal location from which the applicant conducts its business and where the records required by part 8880.1000 will be kept;

E. if different from item D, the location in Minnesota where the records required by part 8880.1000 will be available for inspection and copying;

F. whether the applicant's business is a corporation, partnership, limited liability company, or sole proprietorship;

G. the names of corporate directors and officers, general partners, limited liability company board members, or owners of the applicant's business;

H. whether the applicant or an applicant's corporate directors or officers, general partners, limited liability company board members, or owners of the applicant's business is a permit holder;

I. whether the applicant or an applicant's corporate directors or officers, general partners, limited liability company board members, or owners of the applicant's business has had a permit revoked during the preceding year and, if so, the number of the revoked permit; and

J. if the applicant is a foreign corporation authorized to transact business in Minnesota, the name and address of its registered agent.

Subp. 3. **Signature required.** An application must be signed only by a corporate officer, general partner, limited liability company board member, or sole proprietor. A signature must be notarized.

Subp. 4. **Workers' compensation coverage.** The applicant shall file with the application a statement that shows compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, section 176.181, subdivision 2. The statement must be on a form prescribed by the commissioner or on a form substantially the same as the commissioner's prescribed form.

Subp. 5. **Fees.** The permit fee is \$150.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

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8880.0500 LIMOUSINE SERVICE PERMIT.

Subpart 1. **Issuance of permit.** The commissioner shall issue a permit to an applicant who meets the requirements in part 8880.0400, except the commissioner may not issue:

A. a permit to an applicant if the applicant or an applicant's corporate directors or officers, general partners, limited liability company board members, or owners of the applicant's business had a permit revoked during the preceding year;

B. more than one permit to a limousine operator.

A permit must be numbered and bear an effective date.

Subp. 2. **Location of permit.** A permit must be kept at the limousine operator's principal place of business. A copy of the permit must be kept in each limousine used by the limousine operator to provide limousine service.

Subp. 3. **Duration.** A permit is valid until suspended or revoked or the permit holder sells its limousine business. If the permit holder is a corporation, a transfer of more than 50 percent of the corporation's outstanding stock, individually or in aggregate, constitutes a sale of the business.

Subp. 4. **Not transferable.** A permit may not be assigned or transferred to another person.

Subp. 5. **Records.** The commissioner shall keep a record of permits showing the date issued, suspended, or revoked.

Subp. 6. **Permit holder to keep information current.** A permit holder shall notify the commissioner in writing of any change in the information provided in its permit application.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.0600 LIMOUSINE IDENTIFICATION DECAL APPLICATION; FEES.

Subpart 1. **Forms.** Application for a limousine identification decal must be made on forms provided by the commissioner. Application forms may be obtained from the Minnesota Department of Transportation, Office of Motor Carrier Services, Minnesota Administrative Truck Center, 100 Stockyards Road, South Saint Paul, Minnesota 55075. Completed applications must be returned to that office.

Subp. 2. **Information required.** Applicants for a limousine identification decal shall give the following information to the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business;

B. the applicant's mailing address and business telephone number;

C. the applicant's permit number;

D. the name, title, and telephone number of the individual who is responsible for the day-to-day operation of the limousine service;

E. the state and license plate number of vehicle registration;

F. the vehicle identification number;

G. the vehicle year and make; and

H. a representation that the motor vehicle is a luxury passenger automobile. If the applicant states that the vehicle is the kind of luxury passenger automobile described in part 8880.0100, subpart 12, item B, the commissioner may require a copy of the manufacturer's promotional material before issuing a limousine identification decal and the applicant must keep a copy of the promotional material in the vehicle's record described in part 8880.1000, subpart 4.

Subp. 3. **Signature required.** An application must be signed only by a corporate officer, general partner, limited liability company board member, or sole proprietor.

Subp. 4. **Fees.** The limousine identification decal fee is \$80.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.0700 LIMOUSINE IDENTIFICATION DECAL.

Subpart 1. **Issuance of decal.** The commissioner shall issue a limousine identification decal to an applicant who has a valid permit, who has the insurance coverage required in part 8880.0300, subpart 3, and who meets the requirements in part 8880.0600.

Subp. 2. **Description.** A limousine identification decal must bear an identifying number, the month and year of expiration, and the letters "LM."

Subp. 3. **Display.** A limousine identification decal must be securely affixed to the lower corner of the limousine windshield on the passenger side of the vehicle. A decal must not be obscured and must be easy to read when the vehicle is stationary. A limousine may bear only one decal.

Subp. 4. **Duration.** A limousine identification decal is valid for one year from the last day of the month in which it is issued or until it is removed from the limousine or upon revocation of the limousine operator's permit, whichever occurs first.

Subp. 5. **Not transferable.** A limousine identification decal may not be transferred to another limousine and must be removed if a limousine operator stops using the limousine to provide limousine service.

Subp. 6. **Records.** The commissioner shall keep a record of limousine identification decals issued.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.0800 DRIVER QUALIFICATIONS.

Subpart 1. **General qualifications.** A driver must have a valid driver's license and be at least 18 years old.

Subp. 2. **Physical qualification.** No driver may operate a limousine providing limousine service unless the driver is physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraphs (a) and (b), which is incorporated by reference.

Subp. 3. **Evidence of physical qualification.** Before driving a limousine providing limousine service, a driver must have a valid medical examiner's certificate under Code of Federal Regulations, title 49, section 391.43, which is incorporated by reference. A copy of the medical examiner's certificate must be given to the limousine operator who employs the driver. A limousine operator must keep a copy of the certificate showing that a driver meets the requirements of subpart 2.

Subp. 4. **Waiver for physical defects.** A person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), and who is otherwise qualified to drive a motor vehicle, may drive a limousine providing limousine service if the commissioner grants a waiver to that person under parts 8850.7250 to 8850.7675. For purposes of this subpart, the term "carrier," as used in parts 8850.7250 to 8850.7675, means a limousine operator. The following do not apply to a driver who applies for a waiver: parts 8850.7300, item B, subitems (2) and (3), and item D; 8850.7350, items E and F; 8850.7400, item A; and 8850.7600, item E. A copy of the waiver must be given to the limousine operator who employs the driver. The commissioner may revoke a waiver only after the person to whom it was granted is given notice of the proposed revocation and has been allowed an opportunity for hearing under Minnesota Statutes, chapter 14. Falsifying information in the waiver application, information in the renewal application, or information required by a medical evaluation, by either the applicant or limousine operator, is prohibited.

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Subp. 5. **Driving record.** A driver must, for the past three years, have a driving record clear of:

A. a license cancellation under Minnesota Statutes, section 171.14; a revocation under Minnesota Statutes, sections 169A.52 and 171.17; and a suspension under Minnesota Statutes, section 171.18;

B. a conviction for operating a motor vehicle without insurance under Minnesota Statutes, section 169.797;

C. a conviction for driving a motor vehicle without a valid license for the class of vehicle driven under Minnesota Statutes, section 171.02;

D. a conviction for driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section 169A.20, or an ordinance that conforms to that section; and

E. a conviction for alcohol-related driving by a commercial vehicle driver under Minnesota Statutes, section 169A.20, subdivision 1, clause (6).

Subp. 6. **Criminal record.** A driver must have a criminal record clear of any conviction:

A. as a habitual offender for driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section 169A.24 or 169A.25; and

B. of a crime or anticipatory crime against persons, or a crime or anticipatory crime reasonably related to the provision of limousine services. The following offenses are crimes against persons or are reasonably related to the provision of limousine services, or both, and are listed with the section, subdivision, or chapter number showing where the offense is found in Minnesota Statutes:

- (1) attempts, 609.17;
- (2) conspiracy, 609.175;
- (3) murder in the first degree, 609.185;
- (4) murder in the second degree, 609.19;
- (5) murder in the third degree, 609.195;
- (6) manslaughter in the first degree, 609.20;
- (7) manslaughter in the second degree, 609.205;
- (8) criminal vehicular homicide and injury, 609.21;
- (9) assault in the first degree, 609.221;
- (10) assault in the second degree, 609.222;
- (11) assault in the third degree, 609.223;
- (12) assault in the fourth degree, 609.2231;
- (13) great bodily harm caused by distribution of drugs, 609.228;
- (14) use of drugs to injure or facilitate crime, 609.235;
- (15) simple robbery, 609.24;
- (16) aggravated robbery, 609.245;
- (17) kidnapping, 609.25;
- (18) false imprisonment, 609.255;
- (19) abduction, 609.265;
- (20) criminal sexual conduct in the first degree, 609.342;
- (21) criminal sexual conduct in the second degree, 609.343;
- (22) criminal sexual conduct in the third degree, 609.344;
- (23) criminal sexual conduct in the fourth degree, 609.345;
- (24) solicitation of children to engage in sexual conduct, 609.352;
- (25) fleeing a peace officer in a motor vehicle, 609.487;
- (26) misusing credit card to secure services, 609.545;
- (27) burglary, 609.582, subdivision 1; or
- (28) prohibited drugs; felony convictions, chapter 152.

Subp. 7. **Responsibility of limousine operator.** Before using a driver to provide limousine service, a limousine operator shall determine if the driver meets the standards in this part. In determining whether a driver meets the standards in subparts 5 and 6, a limousine operator shall conduct an initial review of the driving and criminal record of a driver. The review must be conducted annually after hiring. The initial and annual review must include an examination of the records of the Department of Public Safety, Division of Driver and Vehicle Services, to determine if the driver meets the standards in subpart 5. The initial and annual review also must include an examination of the conviction records of the Minnesota Bureau of Criminal Apprehension to determine if the driver has a criminal record of conviction for a crime listed in subpart 6.

Subp. 8. **Evidence of compliance.** A limousine operator shall keep a record showing compliance with subpart 7. The record must meet the requirements of part 8880.1000, subpart 5, item D.

Subp. 9. **Unqualified driver prohibited.** A limousine operator may not use a driver to provide limousine service who does not meet the standards in this part.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220; L 2000 c 478 art 2 s 7*

8880.0900 VEHICLE REQUIREMENTS.

Subpart 1. **Operation.** A limousine operator may not cause or permit a limousine to be driven, and a driver may not drive a limousine on the public highway, when its mechanical condition is so imminently hazardous that it is likely to contribute to a loss of control of the vehicle or cause an accident or breakdown. The "North American Uniform Vehicle Out-of-Service Criteria," adopted in Minnesota Statutes, section 221.031, subdivision 9, must be followed in determining whether a limousine's mechanical condition is so imminently hazardous that it is likely to contribute to a loss of control of the limousine or cause an accident or breakdown. A limousine providing limousine service must be operated in compliance with the provisions of Minnesota Statutes, chapter 169, governing the operation of motor vehicles and with the rules or ordinances of a political subdivision relating to routing, parking, speed, or the safety of operation of a motor vehicle.

Subp. 2. **Equipment standards.** Limousines must comply with the provisions of Minnesota Statutes, chapter 169, that apply to passenger automobiles.

Subp. 3. **Safety equipment.** A limousine providing limousine service must carry the following safety equipment:

A. a fire extinguisher that conforms to Code of Federal Regulations, title 49, section 393.95, paragraph (a), which is incorporated by reference;

B. a working cellular telephone or other means of two-way communication;
and

C. three bidirectional, emergency, reflective triangles that conform to the requirements of federal motor vehicle safety standard 125, found in Code of Federal Regulations, title 49, section 571.125, which is incorporated by reference.

Subp. 4. **Maintenance.** The mechanical components of a limousine must be maintained according to the manufacturer's recommended maintenance schedule. A limousine's windows, lights, mirrors, and interior must be kept clean and in good repair.

Subp. 5. **Inspections.** A limousine operator shall conduct, or cause to be conducted, the following safety inspections:

A. for each day a limousine operator uses a limousine, an inspection of the vehicle's:

(1) coolant level;

(2) lights, turn signals, and hazard flashers;

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- (3) tires;
- (4) windshield wipers and washer fluid;
- (5) inside and outside mirrors;
- (6) fuel level;
- (7) horn; and
- (8) safety equipment; and

B. an annual inspection of a limousine's:

- (1) brake system, including master cylinder, shoes, linings, pads, drums or rotors, hoses, tubing, warning devices, and the parking brake mechanism;
- (2) exhaust system, including exhaust manifolds, muffler, pipes, and catalytic converter;
- (3) fuel system, including fuel pump or injector, tank, hoses, and tubing;
- (4) steering mechanism, including steering wheel movement, steering column, front axle beam, gear box, power assist cylinder, ball and socket joints, tie rods, and steering arm;
- (5) suspension, including springs, shock absorbers, and torsion bars; and
- (6) frame members.

Subp. 6. **Inspection records.** A limousine operator is not required to maintain a record of daily inspections but must maintain a record of annual inspections. The record must be kept on a form prescribed by the commissioner or on a form substantially the same as the commissioner's prescribed form and must meet the requirements of part 8880.1000, subpart 4.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.1000 RECORDS.

Subpart 1. **Records required; authority to inspect.** A limousine operator shall keep the records required in subparts 2 to 5. The records must be kept at the limousine operator's principal place of business and must be available for inspection and copying in Minnesota by the commissioner upon request. Records must be kept for three years.

Subp. 2. **Trip and fare records.** A limousine operator shall keep a record of each trip provided under a permit. For a trip, the record must show:

- A. the date;
- B. the location of origin and destination;
- C. the mileage;
- D. the time it began and ended; and
- E. the fare charged.

Subp. 3. **Referral records.** A limousine operator shall keep a record of trip referrals when required by part 8880.0300, subpart 7. For each trip referral, the record must show:

- A. the date referred;
- B. the date the trip was to be provided;
- C. the name and permit number of the limousine operator to whom the trip was referred; and
- D. the name of the customer who requested the service.

Subp. 4. **Vehicle records.** A limousine operator shall keep a separate file for a limousine used to provide limousine service. The file must contain the year, make, and vehicle identification number of a vehicle. The file also must contain the inspection record required by part 8880.0900, subpart 6, showing:

- A. the date and mileage of an inspection;

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B. a list of each component or item described in part 8880.0900, subpart 5, item B, and a notation of which components or items were inspected; and

C. a notation of necessary maintenance, repair, or replacement of vehicle parts and the date the maintenance, repair, or replacement was completed.

Subp. 5. **Driver records.** A limousine operator shall keep a separate file for each driver employed or used to provide limousine service. The file must contain:

A. the name and birthdate of the driver;

B. the driver's license number;

C. a copy of the medical examiner's certificate required in part 8880.0800, subpart 3, and a copy of a waiver granted under part 8880.0800, subpart 4, if any; and

D. a statement signed by the person who conducted the most recent review of the driver's driving and criminal records as required by part 8880.0800, subpart 7. The statement must show the name of the person who checked the records, the date the records were checked, and whether the driver was found to meet the standards of part 8880.0800, subparts 5 and 6. If the driver was found not to meet the standards, the statement must show the date the driver became disqualified and the reason for the disqualification.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.1100 VEHICLE INSPECTION BY COMMISSIONER.

Subpart 1. **Authority to inspect.** The commissioner shall annually inspect a limousine for which a limousine identification decal has been issued to determine compliance with part 8880.0900. The commissioner may inspect a limousine to determine compliance with parts 8880.0300 to 8880.0900.

Subp. 2. **Inspection report.** A person inspecting a limousine under this part shall provide a copy of the inspection report to the limousine operator. The report must include:

A. the inspector's name;

B. the limousine operator's name and permit number;

C. the vehicle identification number, limousine identification decal number, and license plate number;

D. the date and location of the inspection; and

E. a description of items that do not comply with the requirements of parts 8880.0300 to 8880.0900.

Subp. 3. **Limousines declared out of service.** The commissioner shall direct a limousine operator to immediately remove a limousine from service on determining that its mechanical condition is so imminently hazardous that it is likely to contribute to a loss of control of the limousine or cause an accident or breakdown. An out-of-service declaration must be included in the inspection report described in subpart 2. Once a limousine has been declared out of service, a limousine operator may return it to service only after making the repairs noted in an out-of-service declaration.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.1200 ADMINISTRATIVE PENALTIES.

Subpart 1. **Orders.** The commissioner may issue an order requiring violations of statutes, rules, and local ordinances governing the operation of limousines to be corrected and assessing monetary penalties up to \$1,000. An order must be issued as provided in this part.

Subp. 2. **Issuance, payment, enforcement.** Minnesota Statutes, section 221.036, subdivisions 2, 3, paragraph (c), 4 to 6, and 11, apply to orders issued under this part.

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The commissioner shall mail an order by certified mail, return receipt requested, to the last known address of the limousine operator.

Subp. 3. Demand for hearing. Within 30 days after the date on which an order was mailed, or within 20 days after mailing notice of the commissioner's determination that a violation has not been corrected or that appropriate steps have not been taken, the person subject to an order under this part may demand a hearing. Failure of a person to demand a hearing within the time specified in this part constitutes a waiver of the person's right to appear and contest an administrative penalty order. A demand for hearing must be delivered or mailed to the Minnesota Department of Transportation, Office of Motor Carrier Services, Minnesota Administrative Truck Center, 100 Stockyards Road, South Saint Paul, Minnesota 55075, and must include a statement of the issues the person intends to raise at the hearing.

Subp. 4. Hearing. Within 30 days of receiving a demand for hearing that meets the requirements of subpart 3, the commissioner shall initiate a contested case proceeding under Minnesota Statutes, chapter 14. If the administrative law judge makes a finding that the hearing was demanded solely for purposes of delay or that the hearing demand was frivolous, the commissioner may add to the amount of the penalty the costs charged to the commissioner by the Office of Administrative Hearings for the hearing. If a hearing has been held and a final order issued by the commissioner, the penalty must be paid by the 15th day after the final order was mailed, together with interest accruing at the rate established in Minnesota Statutes, section 549.09, from 31 days after the original order was received.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.1300 SUSPENSION OR REVOCATION OF PERMIT.

Subpart 1. Indefinite suspension period. The commissioner shall immediately suspend a permit if the commissioner determines that a limousine operator:

A. is not in compliance with the insurance requirements in part 8880.0300, subpart 3;

B. willfully refused to permit an inspection under part 8880.1000 or 8880.1100, subpart 1; or

C. did not pay, or make arrangements to pay, an administrative penalty, including costs assessed by the commissioner, when due under part 8880.1200.

A permit suspended under this subpart may not be restored until the commissioner determines that a limousine operator has complied with parts 8880.0300 to 8880.1200.

Subp. 2. Revocation. The commissioner shall revoke a permit if the commissioner determines that a limousine operator:

A. knowingly made a material false or misleading statement in a permit application;

B. provided limousine service while the limousine operator's permit was suspended; or

C. did not have a permit that was indefinitely suspended under subpart 1 restored within 60 days of the date of suspension or demand a hearing under subpart 5.

Subp. 3. Notice of suspension or revocation. The commissioner shall mail notice of suspension or revocation of a permit by certified mail, return receipt requested, to the last known address of the limousine operator. The suspension or revocation is effective five days after it is mailed by the commissioner.

Subp. 4. Demand for hearing. A limousine operator whose permit is suspended or revoked may within 20 days after the notice of suspension or revocation was mailed, demand a hearing. Failure of a person to respond to a notice of suspension or revocation by demanding a hearing within 20 days after the date on which the notice was mailed constitutes a waiver of the person's right to appear and contest the

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suspension or revocation. A demand for hearing must be delivered or mailed to the Minnesota Department of Transportation, Office of Motor Carrier Services, Minnesota Administrative Truck Center, 100 Stockyards Road, South Saint Paul, Minnesota 55075, and must include a statement of the issues the limousine operator intends to raise at the hearing. A demand for hearing stays the effective date of a suspension under subpart 1, item B, or a revocation under subpart 2, item A.

Subp. 5. Hearing. Within 30 days of receiving a demand for hearing that meets the requirements of subpart 5, the commissioner shall initiate a contested case proceeding under Minnesota Statutes, chapter 14. If the administrative law judge makes a finding that the hearing was demanded solely for purposes of delay or that the demand for hearing was frivolous, the commissioner may assess the costs charged to the commissioner by the office of administrative hearings for the hearing to the limousine operator. Costs assessed by the commissioner must be collected in the manner that administrative penalties are collected under part 8880.1200.

Subp. 6. Revocation final. A revoked permit may not be reinstated. The holder of a revoked permit may not apply for a new permit for one year from the effective date of revocation.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*

8880.1400 COOPERATIVE AGREEMENTS.

The commissioner may enter into cooperative agreements with political subdivisions. A cooperative agreement must include provisions for enforcing and implementing parts 8880.0100 to 8880.1300 and for sharing enforcement costs between the department and a political subdivision. A cooperative agreement also must include provisions for exchanging information and for jointly inspecting or investigating limousine operators, drivers, limousines, and records required by this chapter.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220*