

8800.3200 LICENSING COMMERCIAL OPERATIONS.

Subpart 1. **Prior licensing required.** Every person who does in fact provide or who advertises, represents, or holds themselves out as giving or offering to provide service as defined in part 8800.3100, must be licensed by the commissioner. The commercial operations license must contain an endorsement for each type of commercial operation the licensee is authorized to perform. These persons must be licensed by the commissioner before they advertise, represent, or hold themselves out as giving or offering to provide this service.

Subp. 1a. **Endorsements.** To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of this part and part 8800.3100, unless specifically exempted from these parts, and must also comply with the appropriate rule for the type of commercial operations applied for, which is found in parts 8800.3300 to 8800.3950.

Subp. 2. **Application and fee.** Application for license shall be made on forms supplied by the commissioner. The fee shall be \$30 annually and must accompany the application.

Subp. 3. **Duration and renewal.** The license issued under this part shall be effective for one year from the date of issuance thereof and shall be renewed annually. Application for renewal shall be made 30 days before the expiration of the current license.

Subp. 4. **Nontransferability.** The license shall not be transferable to other persons.

Subp. 5. **Display.** The license issued under this part shall be posted in a prominent place in the office of the licensee.

Subp. 6. **Notice of changes.** The licensee shall immediately notify the Department of Transportation in writing of any change in the status of such commercial operation relating to ownership, activities, aircraft, or key personnel.

Subp. 7. **Place of business.** Each applicant for a commercial operations license must have a place of business. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, flight instruction, or aircraft rental or leasing, then the applicant's base of operations must be on an airport licensed for public use by the commissioner as provided by law, or an airport owned by the Metropolitan Airports Commission; or a private airport licensed by the commissioner if that private airport meets the requirements of part 8800.1600, 8800.1650, 8800.1700, or 8800.1800.

If the commercial activity is limited to aircraft servicing, maintaining, and repairing, then the base of operation may be on a public or private airport licensed by the commissioner as provided by law.

A personal-use airport may be used for commercial operations that are not included in this subpart.

Subp. 8. **Airport authorization.** If the applicant does not own the airport, the person must submit evidence from the owner that:

A. the person meets the airport owner's minimum standards for such commercial operation; and

B. the person is authorized to operate from that airport.

Subp. 9. **Aircraft.** Each aircraft used by a licensee for commercial operations must be currently registered with the Minnesota Department of Transportation, or be taxed as flight property by the Minnesota Department of Revenue, as required by laws of this state. The flight property tax payments must be current.

Subp. 10. **Records.** Each licensed commercial operator shall maintain basic records, which must be kept up-to-date as follows:

A. Each flight made in equipment owned by a licensee must be recorded. The register shall show the pilot's name, identification of the aircraft, and the date, time, and duration of the flight.

B. An accurate list must be maintained of (1) airman personnel employed by the commercial operator, together with the airman certificate type and ratings, address, and date of last physical examination; and (2) aircraft used in the commercial operation.

Subp. 11. **Compliance with the law.** A person engaged in commercial operations shall comply with all laws, rules, and regulations of the state of Minnesota and the federal government.

Subp. 12. **Aircraft maintenance.** An applicant whose commercial activity includes the operation of an aircraft and who is also not licensed to perform aircraft servicing, maintaining, and repairing must have a contract or agreement with a commercial operator licensed to perform these services for all aircraft used in the commercial activity, or employ a mechanic certificated by the FAA for the type of servicing, maintaining, and repairing to be performed.

Subp. 13. **Cooperation.** The applicant for a commercial operations license shall offer full cooperation with respect to any inspection which may be made of an operation upon proper demand at reasonable hours by the commissioner or any authorized representative of the commissioner prior to or subsequent to the issuance of a license.

Subp. 14. **Endorsements.** To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of parts 8800.3100 and 8800.3200, unless specifically exempted therefrom, and must also comply with the appropriate regulation for the type or types of commercial operations applied for.

Subp. 15. **Insurance.** Unless otherwise specified in parts 8800.3100 to 8800.4600, the applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts valid and in force for the duration of the license. The insurance must provide coverage for each aircraft in the type and amount specified in the appropriate rule in parts 8800.3300 to 8800.3950 for the type of commercial operations applied for.

An insurance certificate must be submitted with the application for the commercial operations license and a current insurance certificate must be on file with the commissioner before a commercial operations license is renewed.

Any contract of insurance required under this subpart must carry an endorsement stating that the contract cannot be canceled by the insurer until five days' notice in writing of cancellation has been given the commissioner by the insurer. In any case, when an insurance contract is canceled, notice of cancellation must immediately thereafter be given to the commissioner by the insurer.

Statutory Authority: *MS s 14.388; 360.015; 360.018; 360.03; 360.90*

History: *L 1983 c 289 s 100,114 subd 1; L 1984 c 655 art 1 s 92; 17 SR 1279; 30 SR 215; 31 SR 350*

Published Electronically: *October 2, 2007*