

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. 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*

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