

8840.5700 INSPECTION AND AUDIT.

Subpart 1. **Commissioner shall inspect vehicles.** The commissioner shall inspect or provide for the inspection of each vehicle at least annually and may inspect a vehicle on receipt of a complaint about the condition of the vehicle or its equipment. The commissioner may conduct an unannounced inspection for compliance with parts 8840.5100 to 8840.6300 but must not do so in a way that interferes with the transportation of a passenger. The commissioner may inspect the vehicle, its equipment, or any documents required to be in the vehicle or the driver's possession for compliance with parts 8840.5100 to 8840.6300 and state or federal law.

Subp. 1a. **Incorporation by reference.** "Minnesota Vehicle Requirements for Special Transportation Services and Limousines," dated February 3, 2023, is incorporated by reference. The document is written and published by the Minnesota Department of Transportation. The document is not subject to frequent change and is available at the department's office, located at 395 John Ireland Boulevard, St. Paul, MN 55155, and online at https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=32497137. This document, and the provisions of Minnesota Statutes, sections 169.46 to 169.75, must be followed when conducting an inspection and determining whether a vehicle is in a condition that is likely to cause an accident or break down.

Subp. 1b. **Inspection results; removal from service.** The results of an inspection of vehicles or records must be documented and a copy given to the provider. If the vehicle is equipped with a wheelchair securement device, the inspection form must state whether the device is certified by the commissioner. If the vehicle is designated as protected transportation, the inspection form must state whether the safety provisions in Minnesota Statutes, section 256B.0625, subdivision 17, are in working order. The commissioner shall direct a provider to immediately remove a vehicle from service on determining the vehicle is in a condition that is in violation of a provision of Minnesota Statutes, sections 169.46 to 169.75, and is likely to cause an accident or break down.

Subp. 1c. **Provider responsibility; defective equipment.** Providers directed to repair or replace defective equipment shall provide written evidence of compliance to the commissioner of transportation. When the provider has taken the required corrective action, the provider may return the vehicle to service.

Subp. 1d. **Commissioner shall audit records.** The commissioner may examine any documents or records required by parts 8840.5100 to 8840.6300 or Minnesota Statutes, section 174.30. The commissioner shall examine vehicle inspection, repair, and maintenance records for each vehicle operated under the provider's certificate of compliance at least annually. The commissioner shall examine driver and attendant records at least annually. The results of an audit of records shall be documented and given to the provider.

Subp. 2. **Complaint record.** The commissioner shall document complaints and maintain a record of the name and address of the person making the complaint, the date and reason for the complaint, the result of an inspection of the provider's vehicles or records, and the corrective action the provider must take.

Subp. 3. [Repealed, 17 SR 634]

Subp. 4. **Items examined.** Annual audits and inspections conducted under these standards must comprise:

A. examination of the records listed in part 8840.6100 to determine whether the provider complies with parts 8840.5100 to 8840.6300; and

B. examination of the vehicles to determine whether the provider complies with the requirements of parts 8840.5925, 8840.5940, 8840.5950, and 8840.5975, and may include inspection of any part of the vehicle subject to regulation under Minnesota Statutes, chapter 169.

Subp. 5. **Failure to permit inspection.** Failure to permit an inspection or audit as provided in this part is grounds for immediate suspension of the provider's certificate of compliance until the provider permits the inspection.

Statutory Authority: *MS s 174.30*

History: *17 SR 634; 28 SR 1578; 48 SR 155*

Published Electronically: *September 14, 2023*