

8840.5700 INSPECTION AND AUDIT.

Subpart 1. **Commissioner shall inspect.** 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 shall examine vehicle inspection, repair, and maintenance records for each vehicle at least annually. The results of an inspection of vehicles or records must be documented and a copy given to the provider. The commissioner shall direct a provider to immediately remove a vehicle from service on determining the vehicle is in a condition that is likely to cause an accident or break down. The "North American Uniform Vehicle Out-Of-Service Criteria," as adopted under Minnesota Statutes, section 221.031, must be followed in determining whether a vehicle is likely to cause an accident or break down. If the vehicle is equipped with a wheelchair securement device, the inspection form must state whether the device is certified by the commissioner. 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. 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 [Repealed, 17 SR 634]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 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*

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