

8880.1300 SUSPENSION OR REVOCATION OF PERMIT.

Subpart 1. **Indefinite suspension period.** The commissioner must 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 or audit under part 8880.1000; 8880.1100, subpart 1; or 8880.1150, subpart 1;
- C. has committed a pattern of repeated violations of parts 8880.0200 to 8880.1200 documented during vehicle inspections, audits, or complaint investigations; or
- D. did not pay, or arrange 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 must revoke a permit if the commissioner determines that a limousine operator:

- A. knowingly made a materially 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 must 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 suspension or revocation. A demand for hearing must be delivered or mailed to the Minnesota Department of Transportation, Office of Freight and Commercial Vehicle Operations, and must include a statement of the issues the limousine operator intends to raise at the hearing.

Subp. 5. **Hearing.** Within 30 days of receiving a demand for hearing that meets the requirements of subpart 4, the commissioner must initiate a contested case proceeding under Minnesota Statutes, chapter 14. If the administrative law judge makes a finding 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. **Reinstatement.** The commissioner must determine the time that must elapse before the holder of a revoked permit may apply for reinstatement, which may not exceed one year from the effective date of revocation. The commissioner must consider:

- A. the severity of the violation;
- B. whether the limousine operator knew or should have known the limousine operator was in violation of this chapter;
- C. whether the violation was safety related; and
- D. any history of violations.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220; 50 SR 570*

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