

8880.1500 VARIANCE.

Subpart 1. **Elements.** The commissioner may grant a variance from parts 8880.0300 to 8880.1400. To request a variance, an applicant must submit a petition containing all information required by Minnesota Statutes, section 14.056, subdivision 1, and demonstrate that:

A. the rationale for the rule or rules in question can be met or exceeded by the specific alternative practice that the applicant proposes to substitute;

B. the application of the rule in question would impose an excessive burden on the applicant; and

C. the granting of the variance will not adversely affect the public health and safety.

Subp. 2. **Written answer in 30 days.** The commissioner must set forth in writing the reasons for granting or denying the variance within 30 days of receiving the application. If the variance is denied, the applicant may, within 30 days of receiving notice of the denial, request a contested case hearing.

Subp. 3. **Compliance.** Any limousine operator that is granted a variance must comply with the alternative practice specified in its successful application for a variance.

Subp. 4. **Material change in circumstances.** Any limousine operator that has been granted a variance must immediately notify the department if any material change occurs in the circumstances that justified granting the variance.

Subp. 5. **Revocation of variance.** A variance must be revoked if a material change occurs in the circumstances that justified the variance or if the applicant fails to comply with the alternative practice specified in the application for a variance.

Subp. 6. **Conditions and duration.** The commissioner may impose conditions on the granting of a variance according to Minnesota Statutes, section 14.055. The commissioner may limit the duration of a variance and may renew a variance.

Statutory Authority: *MS s 221.84*

History: *50 SR 570*

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