

**Department of Transportation****Proposed Permanent Rules Relating to Limousine Service and Permit Requirements****8880.0100 DEFINITIONS.**

*[For text of subparts 1 to 4, see Minnesota Rules]*

Subp. 5. **Criminal record.** "Criminal record" means the conviction records of the Minnesota Bureau of Criminal Apprehension ~~in which the last date of discharge from the criminal justice system is less than five years~~ or the conviction records of any other United States state or territory.

*[For text of subparts 6 and 7, see Minnesota Rules]*

Subp. 7a. **Exceptional circumstances.** "Exceptional circumstances" includes:

- A. a major limousine repair that lasts more than ten days;
- B. booking demands that extend beyond the capacity of the operator's fleet; or
- C. other circumstances beyond the operator's control.

Subp. 8. ~~**For hire**~~ **For-hire.** ~~"For hire"~~ "For-hire" has the meaning given it in Minnesota Statutes, section 221.012, subdivision 14.

Subp. 9. **Limousine.** ~~"Limousine" means an unmarked luxury passenger automobile that is not a van or station wagon and has a seating capacity of not more than 12 persons, excluding the driver~~ has the meaning given in Minnesota Statutes, section 168.002, subdivision 15.

Subp. 10. **Limousine operator.** "Limousine operator" means a person who owns or leases and ~~operates~~ drives or retains others to drive a limousine for-hire and who is subject to Minnesota Statutes, section 221.84, and this chapter. "Limousine operator" does not include a broker or other person who arranges for, but does not provide, for-hire limousine service.

Subp. 11. **Limousine service.** "Limousine service" ~~means a service that~~ has the meaning given in Minnesota Statutes, section 221.84, subdivision 1.

- ~~A. is not provided on a regular route;~~
- ~~B. is for hire;~~
- ~~C. is provided in a limousine;~~
- ~~D. provides only prearranged pickup; and~~
- ~~E. charges more than a taxicab fare for a comparable trip.~~

"Limousine service" does not include service provided by a person who is a private carrier as described in Minnesota Statutes, section 221.012, subdivision 35.

Subp. 12. **Luxury passenger automobile.** "Luxury passenger automobile" means a passenger automobile that ~~does not have a meter and~~:

*[For text of items A and B, see Minnesota Rules]*

C. for a vehicle added to a fleet on or after the effective date of this rule, is a sedan with an original manufacturer's suggested retail price or present fair market value of more than ~~\$25,000~~ \$52,500.

Luxury passenger automobile does not include a bus, pickup truck, ~~station wagon,~~ taxicab, or truck, ~~or~~ van.

Subp. 13. [See repealer.]

*[For text of subparts 14 to 18, see Minnesota Rules]*

Subp. 19. **Prearranged pickup.** "Prearranged pickup" means limousine transportation ~~initiated at the request of~~ scheduled by a passenger or a passenger's representative. Prearranged pickup does not include hailing at the time of transportation.

*[For text of subparts 20 and 21, see Minnesota Rules]*

Subp. 22. [See repealer.]

Subp. 23. **Taxicab.** "Taxicab" means a motor vehicle, other than a limousine or bus, marked as a "taxi" or "taxicab" and used for transporting no more than seven passengers for compensation as determined by a meter; or by a flat rate schedule, according to the distance traveled, the time elapsed, or number of passengers carried, irrespective of whether the transportation extends beyond the boundary lines of a city.

*[For text of subpart 24, see Minnesota Rules]*

Subp. 25. [See repealer.]

Subp. 26. [See repealer.]

#### **8880.0200 AUTHORITY; PURPOSE; SCOPE.**

Subpart 1. **Authority.** Parts 8880.0100 to 8880.1400 are adopted under Minnesota Statutes, section 221.84, subdivision 2.

Subp. 2. **Purpose.** The purpose of this chapter is to enhance the safety of limousine services provided in Minnesota through department oversight in accordance with Minnesota Statutes, section 221.84. This chapter establishes standards and requirements for limousine operators, drivers, and vehicles.

Subp. 3. **Applicability; persons.** This chapter governs limousine service as defined in part 8880.0100. All limousine operators and drivers, including independent contractors and leased drivers, must adhere to the standards and requirements prescribed by this chapter.

Subp. 4. **Applicability; vehicles.** The requirements contained in this chapter apply to any vehicle that is required by Minnesota Statutes, section 168.128, to have a limousine plate, except for those operated by persons meeting the definition of a private carrier in Minnesota Statutes, section 221.012, subdivision 35.

**8880.0300 GENERAL REQUIREMENTS.**

*[For text of subpart 1, see Minnesota Rules]*

Subp. 1a. **Limousine operator responsible.** A limousine operator is responsible for ensuring that all drivers it retains, including employees, independent contractors, and leased drivers, comply with the requirements in this chapter.

Subp. 2. **Inspection and decal required.** No person may operate a limousine providing limousine service ~~unless the limousine~~ until the limousine has passed an inspection as required by part 8880.1100 and displays a valid limousine identification decal as required in part 8880.0700, subpart 3.

Subp. 2a. **Inspection disclosure.** In accordance with the Infrastructure Investment and Jobs Act, Public Law 117-58, the limousine operator must prominently disclose in a clear and conspicuous notice, including on the website of the operator if the operator has a website, the following, as applicable:

A. the date of the most recent inspection of the limousine required under state or federal law;

B. the results of the inspection; and

C. any corrective action taken by the limousine operator to ensure the limousine passed inspection.

Subp. 3. **Insurance required.** The insurance requirements in Minnesota Statutes, sections 168.128 and 221.141, and parts 8855.0300, 8855.0400, 8855.0700, and ~~8855.0600 to 8855.0850~~ 8855.0800 apply to a limousine operator. For purposes of this subpart, "motor carrier," as used in Minnesota Statutes, section 221.141, and parts 8855.0300, 8855.0400, 8855.0700, and ~~8855.0600 to 8855.0850~~ 8855.0800, means a limousine operator. No person may operate a limousine providing limousine service until the ~~person~~ limousine operator complies with the insurance requirements described in this subpart.

Subp. 4. **Advertising restrictions.** A limousine operator ~~shall~~ must conspicuously display its permit number in all advertisements or ~~information that calls attention to or describes services offered by the limousine operator~~ publications, including but not limited to brochures, business cards, and the operator's website or other online communications. No person, other than a limousine operator with a valid permit, may use in a name or in advertisements or ~~information describing a service the person provides~~ publications:

*[For text of items A and B, see Minnesota Rules]*

Subp. 5. **Use of unauthorized name prohibited.** A limousine operator ~~may~~ must not provide limousine service under a name other than the name under which a permit was obtained.

Subp. 6. **Fares and records.** A limousine operator ~~shall~~ must charge a fare greater than a taxicab fare for a comparable trip. A limousine operator ~~shall~~ must maintain a record of each trip provided under its permit and the fare charged for the trip. The record must meet the requirements of part 8880.1000, subpart 2.

*[For text of subpart 7, see Minnesota Rules]*

Subp. 8. **Leased vehicles and drivers.** A limousine operator may lease a vehicle from the vehicle's owner and use it to provide limousine service under the lessee's permit. Both the lessor and the lessee ~~shall~~ must keep one signed copy of a written lease and a copy must be kept in the leased vehicle at all times during the term of a lease. A lease may include the services of a driver. A lease must state:

*[For text of items A to D, see Minnesota Rules]*

E. if the lease includes the services of a driver, that the lessee assumes the responsibility of determining that the driver meets the qualifications in part 8880.0800 and ~~shall~~ must keep the records required in part 8880.1000, subpart 5.

A lessor ~~may~~ must not exercise control over fares charged. The provision of limousine service, including advertisements and arrangements for service, must be conducted by, and in the name of, the lessee only. A lessee or lessor ~~may~~ must not represent, imply, or suggest that limousine service is being offered or provided by the lessor.

Subp. 9. **Solicitation prohibited.** A limousine operator, its agents, or its employees; ~~may~~ must not solicit passengers in person to provide limousine service at the time of, or shortly after, the solicitation. This subpart does not prohibit a limousine operator from advertising the service it provides in the normal course of business.

Subp. 10. **Adjustment of limousine value.** The dollar value imposed by part 8880.0100, subpart 12, item C, must be adjusted by the commissioner on a biennial basis according to the requirements of this subpart and published on the department's website.

A. In November of each even-numbered year, the commissioner must obtain from the Federal Register the percentage change in the Consumer Price Index published by the secretary of labor for October of the preceding federal fiscal year and October of the federal fiscal year in which the publication is made.

B. If in any fiscal year the percentage change indicates an increase in the Consumer Price Index, as determined under item A, then the dollar value imposed by part 8880.0100, subpart 12, item C, for the subsequent fiscal year must be equal to the dollar value increased by the percentage change, rounded off to the nearest \$500 increment.

C. If in any fiscal year the percentage change does not indicate an increase in the Consumer Price Index, as determined under item A, then the dollar value imposed by part 8880.0100, subpart 12, item C, remains the same.

For purposes of this subpart, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, published monthly by the United States Department of Labor, Bureau of Labor Statistics.

**8880.0400 LIMOUSINE SERVICE PERMIT APPLICATION; FEES.**

Subpart 1. **Forms.** Application for a permit or temporary permit must be made on forms provided by the commissioner. ~~Application forms may be obtained from the Minnesota Department of Transportation, Office of Motor Carrier Services, Minnesota Administrative Truck Center, 100 Stockyards Road, South Saint Paul, Minnesota 55075.~~ Completed applications must be ~~returned~~ submitted to that the Office of Freight and Commercial Vehicle Operations.

Subp. 2. **Information required.** Applicants for a permit ~~shall~~ or temporary permit must give the following information to the commissioner:

*[For text of items A and B, see Minnesota Rules]*

C. the name, title, email address, and primary and secondary telephone number ~~number~~ numbers of the individual who is responsible for the day-to-day operation of the limousine service;

*[For text of items D to H, see Minnesota Rules]*

I. whether the applicant or an applicant's corporate directors or officers, general partners, limited liability company board members, or owners of the applicant's business has had a permit revoked during the preceding year and, if so, the number of the revoked permit; ~~and~~

J. if the applicant is a foreign corporation authorized to transact business in Minnesota, the name and address of its registered agent; and

K. the business identification number assigned by the United States Department of Transportation, Federal Motor Carrier Safety Administration. If the applicant has not yet obtained a business identification number, the applicant must apply for the number at the time of application and promptly provide the number to the department when received.

Subp. 3. **Signature required.** An application must be signed only by a corporate officer, general partner, limited liability company board member, or sole proprietor. ~~A signature must be notarized.~~

Subp. 4. **Workers' compensation coverage.** The applicant ~~shall~~ must file with the application a statement that shows compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, section 176.181, subdivision 2. The statement must be on a form prescribed by the commissioner or on a form substantially the same as the commissioner's prescribed form.

Subp. 5. **Fees.** The permit fee is \$150.

#### **8880.0500 LIMOUSINE SERVICE PERMIT.**

Subpart 1. **Issuance of permit.** The commissioner ~~shall~~ must issue a permit to an applicant who meets the requirements in part 8880.0400, except the commissioner ~~may~~ must not issue:

A. a permit to an applicant if the applicant or an applicant's corporate directors or officers, general partners, limited liability company board members, or owners of the applicant's business had a permit revoked during the preceding year; or

B. more than one permit to a limousine operator.

A permit must be numbered and bear an effective date.

*[For text of subpart 2, see Minnesota Rules]*

Subp. 3. **Duration.** A permit is valid ~~until~~ for one year from the date of issuance, unless the permit is suspended, canceled, or revoked or the permit holder sells its limousine business. If the permit holder is a corporation, a transfer of more than 50 percent of the corporation's outstanding stock, individually or in aggregate, constitutes a sale of the business



Permits must be renewed on an annual basis using forms provided by the commissioner.

Annual renewals are not subject to the permit fee in part 8880.0400, subpart 5.

*[For text of subpart 4, see Minnesota Rules]*

Subp. 5. **Records.** The commissioner ~~shall~~ must keep a record of permits showing the date issued, suspended, or revoked.

Subp. 6. **Permit holder to keep information current.** A permit holder ~~shall~~ must:

A. notify the commissioner in writing within ten days of any change in the information provided in its permit application; and

B. update the information provided to the United States Department of Transportation, Federal Motor Carrier Safety Administration within ten days of any change in the information provided to that agency when obtaining a federal identification number.

Subp. 7. **Temporary limousine service permit.** For special events, the commissioner must issue a temporary permit to an operator who does not possess an active limousine permit, meets the requirements under part 8880.0400, subparts 1 to 4, and obtains a temporary limousine identification decal under part 8880.0700, subpart 5a. The commissioner must not issue a temporary permit to an operator who has had a limousine permit revoked or suspended within the 12 months preceding the application for a temporary permit. An operator who possesses an active limousine permit may temporarily add a vehicle to its fleet by obtaining a temporary limousine identification decal for the vehicle under part 8880.0700, subpart 5a. The fee to obtain a temporary permit is \$20. A temporary permit is valid for ten days and must not be transferred or renewed.

#### **8880.0600 LIMOUSINE IDENTIFICATION DECAL APPLICATION; FEES.**

Subpart 1. **Forms.** Application for a limousine identification decal or temporary limousine identification decal must be made on forms provided by the commissioner. ~~Application forms may be obtained from the Minnesota Department of Transportation,~~

~~Office of Motor Carrier Services, Minnesota Administrative Truck Center, 100 Stockyards Road, South Saint Paul, Minnesota 55075.~~ Completed applications must be ~~returned~~ submitted to that the Office of Freight and Commercial Vehicle Operations.

Subp. 2. **Information required.** Applicants for a limousine identification decal ~~shall give~~ or temporary limousine identification decal must provide the following information to the commissioner:

*[For text of items A to C, see Minnesota Rules]*

D. the name, title, email address, and primary and secondary telephone number ~~numbers~~ of the individual who is responsible for the day-to-day operation of the limousine service;

*[For text of items E to G, see Minnesota Rules]*

H. a representation that the motor vehicle is a luxury passenger automobile as described in part 8880.0100, subpart 12. If the applicant states that the vehicle is the kind of luxury passenger automobile described in part 8880.0100, subpart 12, item B, the commissioner may require a copy of the manufacturer's sales or promotional material before issuing a limousine identification decal, and the applicant must keep a copy of the sales or promotional material in the vehicle's record described in part 8880.1000, subpart 4.

*[For text of subparts 3 and 4, see Minnesota Rules]*

## **8880.0700 LIMOUSINE IDENTIFICATION DECAL.**

Subpart 1. **Issuance of decal.** The commissioner ~~shall~~ must issue a limousine identification decal to an applicant who has a valid permit, ~~who~~; meets the inspection requirement in part 8880.0300, subpart 2; has the insurance coverage required in part 8880.0300, subpart 3; and ~~who~~ meets the requirements in part 8880.0600.

*[For text of subparts 2 to 5, see Minnesota Rules]*

Subp. 5a. **Temporary limousine identification decal.**

A. For special events or exceptional circumstances, the commissioner must issue a prepaid temporary limousine identification decal to a limousine operator who possesses an active or temporary permit for a fee of \$5 per decal. The vehicle must meet the inspection requirement in item B, and an operator must apply for a temporary limousine identification decal pursuant to part 8880.0600, subparts 1 to 3.

B. The vehicle must have been inspected under part 8880.1100 within the previous 12 months and not be found to be in a condition likely to cause an accident or a breakdown or to be otherwise unsafe. If the vehicle is found to be likely to cause an accident or a breakdown or is otherwise unsafe, the operator must submit written evidence that the violation has been remedied before the department issues the temporary limousine identification decal.

C. The temporary limousine identification decal must be preprinted by the commissioner with the operator's name, address, vehicle identification number, permit number, and dates the decal is valid.

D. The temporary limousine identification decal is valid for a period of not more than ten days, must not be transferred, and must not be used unless the operator possesses an active or temporary permit. A limousine operator possessing a permit that is not temporary may request a renewal of the temporary limousine identification decal for an additional ten days if exceptional circumstances extend beyond ten days. A limousine must not be operated under a temporary limousine identification decal for more than 20 consecutive days in a calendar year.

Subp. 6. **Records.** The commissioner ~~shall~~ must keep a record of limousine identification decals issued.

**8880.0800 DRIVER QUALIFICATIONS.**

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Evidence of physical qualification.** Before driving a limousine providing limousine service, a driver must have a valid medical examiner's certificate under Code of Federal Regulations, title 49, section 391.43, which is incorporated by reference, certifying that the driver meets the requirements in subpart 2. A copy of the medical examiner's certificate must be given to the limousine operator who employs the driver and must be in the driver's possession while operating a limousine. ~~A limousine operator must keep a copy of the certificate showing that a driver meets the requirements of subpart 2.~~

Subp. 4. **Waiver for of physical defects qualification.** A person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b), clause (1) or (b)(2), and who is otherwise qualified to drive a motor vehicle, may drive a limousine providing limousine service if the commissioner grants a waiver to that person under ~~parts 8850.7250 to 8850.7675.~~ For purposes of this subpart, the term "carrier," as ~~used in parts 8850.7250 to 8850.7675,~~ means a limousine operator. ~~The following do not apply to a driver who applies for a waiver: parts 8850.7300, item B, subitems (2) and (3), and item D; 8850.7350, items E and F; 8850.7400, item A; and 8850.7600, item E.~~ Minnesota Statutes, section 221.0314, subdivision 3 or 3a, or if that person meets the requirements in Minnesota Statutes, section 221.0314, subdivision 3b. A copy of the waiver must be given to the limousine operator who employs the driver and must be in the driver's possession while operating a limousine. ~~The commissioner may revoke a waiver only after the person to whom it was granted is given notice of the proposed revocation and has been allowed an opportunity for hearing under Minnesota Statutes, chapter 14. Falsifying information in the waiver application, information in the renewal application, or information required by a medical evaluation, by either the applicant or limousine operator, is prohibited.~~

Subp. 5. **Driving record.** A driver must, for the past three years, have a driving record clear of:

A. a license cancellation under Minnesota Statutes, section 171.14; a revocation under Minnesota Statutes, sections 169A.52 and 171.17; and a suspension under Minnesota Statutes, section 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), (7), or (11);

~~B. a conviction for operating a motor vehicle without insurance under Minnesota Statutes, section 169.797;~~

~~C. B.~~ a conviction for driving a motor vehicle without a currently valid license for the class of vehicle driven under Minnesota Statutes, section 171.02;

~~D. C.~~ a conviction for driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section 169A.20, or an ordinance that conforms to that section; alcohol-related driving by commercial vehicle drivers under Minnesota Statutes, section 169A.20; and driver's license revocations under Minnesota Statutes, sections 169A.51 to 169A.53 and

~~E. a conviction for alcohol-related driving by a commercial vehicle driver under Minnesota Statutes, section 169A.20, subdivision 1, clause (6).~~

D. a conviction in any other state or country where the elements of the offense are substantially similar to any of the offenses listed in items A to C.

Subp. 6. **Criminal record.** A driver must have a criminal record clear of any conviction in which the last date of discharge from the criminal justice system is within the last ten years:

A. as a habitual offender for driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section 169A.24 or 169A.25; ~~and~~

B. of a crime or anticipatory crime against persons, or a crime or anticipatory crime reasonably related to the provision of limousine services. The following offenses are crimes against persons or are reasonably related to the provision of limousine services, or both, and are listed with the section, subdivision, or chapter number showing where the offense is found in Minnesota Statutes:

*[For text of subitems (1) to (7), see Minnesota Rules]*

(8) criminal vehicular homicide and injury, 609.2112, 609.2113, or 609.2114;  
~~or Minnesota Statutes 2012, section 609.21;~~

*[For text of subitems (9) to (19), see Minnesota Rules]*

(20) labor or sex trafficking, 609.282 or 609.283;

(21) solicitation, inducement, and promotion of prostitution; sex trafficking,  
609.322;

~~(20)~~ (22) criminal sexual conduct in the first degree, 609.342;

~~(21)~~ (23) criminal sexual conduct in the second degree, 609.343;

~~(22)~~ (24) criminal sexual conduct in the third degree, 609.344;

~~(23)~~ (25) criminal sexual conduct in the fourth degree, 609.345;

(26) criminal sexual predatory conduct, 609.3453;

~~(24)~~ (27) solicitation of children to engage in sexual conduct, 609.352;

~~(25)~~ (28) fleeing a peace officer in a motor vehicle, 609.487;

(29) theft, felony conviction, 609.52;

(30) identity theft, felony conviction, 609.527;

~~(26)~~ (31) misusing credit card to secure services, 609.545;

~~(27)~~ (32) burglary, 609.582, subdivision 1; ~~or~~

(33) harassment; stalking, 609.749; and

~~(28)~~ (34) prohibited drugs; felony convictions, chapter 152; or

C. in any other state or country within the past ten years where the elements of the offense are substantially similar to any of the offenses listed in item A or B.

For purposes of this subpart, "last date of discharge" means the last date an individual was under the jurisdiction of the criminal justice system, including but not limited to probation, parole, supervised release, or an executed sentence. If an individual falls into more than one category resulting in more than one relevant discharge date, the last date of discharge refers to the most recent date.

Subp. 7. **Responsibility of limousine operator.** Before using a driver to provide limousine service, a limousine operator ~~shall~~ must determine if the driver meets the standards in this part. In determining whether a driver meets the standards in subparts 5 and 6, a limousine operator ~~shall~~ must conduct an initial review of the driving and criminal record of a driver. The review must be conducted annually after hiring. The initial and annual review must include an examination of the records of the Department of Public Safety, Division of Driver and Vehicle Services, to determine if the driver meets the standards in subpart 5. The initial and annual review also must include an examination of the conviction records of the Minnesota Bureau of Criminal Apprehension to determine if the driver has a criminal record of conviction for a crime listed in subpart 6.

Subp. 8. **Evidence of compliance.** A limousine operator ~~shall~~ must keep a record showing compliance with subpart 7. ~~The record must meet the requirements of part 8880.1000, subpart 5, item D~~ on a form prescribed by the commissioner or on a form that contains the same information.

Subp. 9. **Unqualified driver prohibited.** A limousine operator ~~may~~ must not use a driver to provide limousine service who does not meet the standards in this part.

Subp. 10. **Notification.** A driver who:

A. has a driver's license suspended, revoked, or canceled by a state or other jurisdiction;

B. no longer meets the qualifications to drive a limousine under subparts 1 to 6;

C. loses the right to operate a commercial motor vehicle in a state or other jurisdiction for any period; or

D. is disqualified from operating a commercial motor vehicle for any period must notify the current employer of the suspension, revocation, cancellation, lost privilege, conviction, or disqualification. The notification must be made before the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, lost privilege, conviction, or disqualification.

## **8880.0900 VEHICLE REQUIREMENTS.**

Subpart 1. **Operation.** A limousine operator ~~may~~ must not cause or permit a limousine to be driven, and a driver ~~may~~ must not drive a limousine on the public highway, when ~~its mechanical condition is so imminently hazardous that it is likely to contribute to a loss of control of the vehicle or~~ the vehicle is in a condition that is likely to cause an accident or a breakdown or is otherwise unsafe. ~~The "North American Uniform Vehicle Out-of-Service Criteria," adopted in Minnesota Statutes, section 221.031, subdivision 9, must be followed in determining whether a limousine's mechanical condition is so imminently hazardous that it is likely to contribute to a loss of control of the limousine or~~ The operator must follow the "Minnesota Vehicle Requirements for Special Transportation Services and Limousines" to determine whether a vehicle is in a condition that is likely to cause an accident or a breakdown or is otherwise unsafe. A limousine providing limousine service must be operated



in compliance with the provisions of Minnesota Statutes, chapter 169, and other laws governing the operation of motor vehicles and with the rules or ordinances of a political subdivision relating to routing, parking, speed, or the safety of operation of a motor vehicle.

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 on the department's website.

*[For text of subparts 2 to 4, see Minnesota Rules]*

Subp. 5. **Inspections.** A limousine operator ~~shall~~ must conduct, or cause to be conducted, the following safety inspections:

*[For text of items A and B, see Minnesota Rules]*

Subp. 6. **Inspection records.** A limousine operator ~~is not required to~~ must maintain a record of daily ~~inspections but must maintain a record of~~ and annual inspections. The ~~record~~ records must be kept on a ~~form~~ forms prescribed by the commissioner or on a ~~form~~ substantially the same as the commissioner's prescribed form forms that contain the same information and must meet the requirements of part 8880.1000, subpart 4.

## **8880.1000 RECORDS.**

Subpart 1. **Records required; authority to inspect.** A limousine operator ~~shall~~ must keep the records required in subparts 2 to 5. The records must be kept at the limousine operator's principal place of business and must be available for inspection ~~and~~ audit, or copying in Minnesota by the commissioner upon request. Records must be kept for three years.

Subp. 2. **Trip and fare records.** A limousine operator ~~shall~~ must keep a record of each trip provided under a permit. For a trip, the record must show:

*[For text of items A to C, see Minnesota Rules]*

D. the time ~~it~~ the trip began and ended; and

E. the fare charged.

Subp. 3. **Referral records.** A limousine operator ~~shall~~ must keep a record of trip referrals when required by part 8880.0300, subpart 7. For each trip referral, the record must show:

*[For text of items A to D, see Minnesota Rules]*

Subp. 4. **Vehicle records.** A limousine operator ~~shall~~ must keep a separate file for a each limousine used to provide limousine service. The file must contain the year, make, and vehicle identification number of a vehicle. The file also must contain the inspection record required by part 8880.0900, subpart 6, showing:

A. the date and mileage of an inspection;

B. a list of each component or item described in part 8880.0900, subpart 5, item B, and a notation of which components or items were inspected; ~~and~~

C. a notation of necessary maintenance, repair, or replacement of vehicle parts and the date the maintenance, repair, or replacement was completed; and

D. for limousines equipped with emergency doors or window exits as required by Code of Federal Regulations, title 49, section 571.217, a record of tests conducted every 90 days to ensure that all emergency doors and window exits function as intended by the manufacturer.

Subp. 5. **Driver records.** A limousine operator ~~shall~~ must keep a separate file for each driver employed or used to provide limousine service. The file must contain:

- A. the name, as it appears on the driver's license, and birthdate of the driver;
- B. the driver's license number;
- C. a copy of the medical examiner's certificate required in part 8880.0800, subpart 3, and a copy of a waiver granted under part 8880.0800, subpart 4, if any; ~~and~~
- D. a statement signed by the person who conducted the most recent review of the driver's driving and criminal records as required by part 8880.0800, subpart 7. The statement must show the name of the person who checked the records, the date the records were checked, and whether the driver was found to meet the standards of part 8880.0800, subparts 5 and 6. If the driver was found not to meet the standards, the statement must show the date the driver became disqualified and the reason for the disqualification-; and
- E. the documents relied on to perform the review of the driver's driving and criminal records as required by part 8880.0800, subpart 7.

#### **8880.1100 VEHICLE INSPECTION BY COMMISSIONER.**

Subpart 1. **Authority to inspect.** The commissioner ~~shall annually~~ must inspect a limousine ~~for which a limousine identification decal has been issued to determine compliance with part 8880.0900. The commissioner may inspect a limousine to determine compliance with parts 8880.0300 to 8880.0900 before issuing an initial limousine identification decal and at least annually thereafter. The commissioner may conduct an unannounced inspection during a limousine operator's hours of operation for compliance with parts 8880.0300 to 8880.1000 but must not do so in a way that unduly interferes with the transportation of any passengers. 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 8880.0300 to 8880.1000 and state or federal law.~~

Subp. 2. **Inspection report.** A person inspecting a limousine under this part ~~shall~~ must provide a copy of the inspection report to the limousine operator. The report must include:

*[For text of items A to D, see Minnesota Rules]*

E. a description of items that do not comply with the requirements of parts 8880.0300 to ~~8880.0900~~ 8880.1000.

Subp. 3. **Limousines declared out of service.** The commissioner ~~shall~~ must direct a limousine operator to immediately remove a limousine from service ~~on~~ upon determining that ~~its mechanical condition is so imminently hazardous that it is likely to contribute to a loss of control of the limousine or~~ the vehicle is in a condition that is likely to cause an accident or a breakdown or is otherwise unsafe. The commissioner must use the "Minnesota Vehicle Requirements for Special Transportation Services and Limousines" incorporated by reference in part 8880.0900, subpart 1a, to make this determination. An out-of-service declaration must be included in the inspection report described in subpart 2. Once a limousine has been declared out of service, a limousine operator may return it to service only after making the repairs noted in an out-of-service declaration. In addition to the vehicle records required by part 8880.1000, subpart 4, a limousine operator must retain records of making the repairs required by an out-of-service declaration.

#### **8880.1150 AUDITS BY COMMISSIONER.**

##### **Subpart 1. Authority to audit.**

A. The commissioner must audit a limousine operator's records to determine compliance with parts 8880.0200 to 8880.1100 no less than once every three years.

B. The commissioner must conduct an audit more frequently than every three years:

(1) for limousine operators with a documented history of noncompliance to verify correction of violations from previous audits; or

(2) upon discovery of a safety-related violation that puts the vehicle in danger of breaking down or causing an accident or that poses an immediate risk of harm to the public.

C. As time and staff resources permit, the commissioner may conduct an audit more frequently than every three years:

(1) to verify correction of non-safety-related violations from previous audits;

(2) to investigate violations discovered during a roadside inspection; or

(3) upon receipt of a complaint involving an unqualified driver, unsafe vehicle, lack of valid limousine permit or decal, or other safety-related concern.

Subp. 2. **Audit report.** The commissioner must provide a copy of the audit report to the limousine operator. The report must include:

A. the investigator's name;

B. the limousine operator's name and permit number;

C. the date and location of the audit; and

D. a description of the items that do not comply with the requirements of parts 8880.0200 to 8880.1100.

## **8880.1200 ADMINISTRATIVE PENALTIES.**

*[For text of subpart 1, see Minnesota Rules]*

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~~ must 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~~ Freight and Commercial Vehicle Operations, 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~~ must 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.

#### **8880.1300 SUSPENSION OR REVOCATION OF PERMIT.**

Subpart 1. **Indefinite suspension period.** The commissioner ~~shall~~ must immediately suspend a permit if the commissioner determines that a limousine operator:

*[For text of item A, see Minnesota Rules]*

B. willfully refused to permit an inspection or audit under part 8880.1000 ~~or~~ 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

~~C.~~ D. did not pay, or ~~make arrangements~~ 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 ~~shall~~ must revoke a permit if the commissioner determines that a limousine operator:

A. knowingly made a ~~material~~ materially false or misleading statement in a permit application;

*[For text of items B and C, see Minnesota Rules]*

Subp. 3. **Notice of suspension or revocation.** The commissioner ~~shall~~ 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 Motor Carrier Services, Minnesota Administrative Truck Center, 100 Stockyards Road, South Saint Paul, Minnesota 55075 Freight and Commercial Vehicle Operations, and must

include a statement of the issues the limousine operator intends to raise at the hearing. ~~A demand for hearing stays the effective date of a suspension under subpart 1, item B, or a revocation under subpart 2, item A.~~

Subp. 5. **Hearing.** Within 30 days of receiving a demand for hearing that meets the requirements of subpart ~~5~~ 4, the commissioner ~~shall~~ must 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 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. ~~**Revocation final Reinstatement.**~~ ~~A revoked permit may not be reinstated.~~ The commissioner must determine the time that must elapse before the holder of a revoked permit may not apply for a new permit 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.

#### **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.

**REPEALER.** Minnesota Rules, part 8880.0100, subparts 13, 22, 25, and 26, are repealed.