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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE NO. 754

February 8, 2007

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The bill was read for the first time and referred to the Committee on Commerce and Labor

March 15, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 27, 2007

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to occupations; changing provisions for certain plumber's licenses;
1.3 adding a restricted plumber's license; amending Minnesota Statutes 2006,
1.4 sections 325E.37, subdivision 6; 326.38; 326.40, subdivision 1; proposing coding
1.5 for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes
1.6 2006, section 326.45.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 325E.37, subdivision 6, is amended to read:

1.9 Subd. 6. Scope; limitations. (a) This section applies to a sales representative who,
1.10 during some part of the period of the sales representative agreement:

1.11 (1) is a resident of Minnesota or maintains that person's principal place of business
1.12 in Minnesota; or

1.13 (2) whose geographical territory specified in the sales representative agreement
1.14 includes part or all of Minnesota.

1.15 (b) To be effective, any demand for arbitration under subdivision 5 must be made
1.16 in writing and delivered to the principal on or before one year after the effective date of
1.17 the termination of the agreement.

1.18 (c) A provision in any contract between a sales representative dealing in plumbing
1.19 equipment or supplies and a principal purporting to waive any provision of this act,
1.20 whether by express waiver or by a provision stipulating that the contract is subject to the
1.21 laws of another state, shall be void.

1.22 Sec. 2. Minnesota Statutes 2006, section 326.38, is amended to read:

1.23 326.38 LOCAL REGULATIONS.

2.1 Any city having a system of waterworks or sewerage, or any town in which reside
 2.2 over 5,000 people exclusive of any statutory cities located therein, or the metropolitan
 2.3 airports commission, may, by ordinance, adopt local regulations providing for plumbing
 2.4 permits, bonds, approval of plans, and inspections of plumbing, which regulations are
 2.5 not in conflict with the plumbing standards on the same subject prescribed by the state
 2.6 commissioner of ~~health~~ labor and industry. No city or such town shall prohibit plumbers
 2.7 licensed by the state commissioner of ~~health~~ labor and industry from engaging in or
 2.8 working at the business, except cities and statutory cities which, prior to April 21, 1933,
 2.9 by ordinance required the licensing of plumbers. No city or town may require a license
 2.10 for persons performing building sewer or water service installation who have completed
 2.11 pipe laying training as prescribed by the commissioner of labor and industry. Any city
 2.12 by ordinance may prescribe regulations, reasonable standards, and inspections and grant
 2.13 permits to any person, firm, or corporation engaged in the business of installing water
 2.14 softeners, who is not licensed as a master plumber or journeyman plumber by the state
 2.15 commissioner of ~~health~~ labor and industry, to connect water softening and water filtering
 2.16 equipment to private residence water distribution systems, where provision has been
 2.17 previously made therefor and openings left for that purpose or by use of cold water
 2.18 connections to a domestic water heater; where it is not necessary to rearrange, make any
 2.19 extension or alteration of, or addition to any pipe, fixture or plumbing connected with
 2.20 the water system except to connect the water softener, and provided the connections so
 2.21 made comply with minimum standards prescribed by the state commissioner of ~~health~~
 2.22 labor and industry.

2.23 Sec. 3. Minnesota Statutes 2006, section 326.40, subdivision 1, is amended to read:

2.24 Subdivision 1. **License required; ~~master and journeyman plumbers.~~** ~~In any city~~
 2.25 ~~now or hereafter having 5,000 or more population, according to the last federal census,~~
 2.26 ~~and having a system of waterworks or sewerage;~~ (a) No person, firm, or corporation shall
 2.27 engage in or work at the business of a master plumber ~~or, restricted master plumber,~~
 2.28 journeyman plumber, and restricted journeyman plumber unless licensed to do so by the
 2.29 state commissioner of ~~health~~ labor and industry. A license is not required for persons
 2.30 performing building sewer or water service installation who have completed pipe laying
 2.31 training as prescribed by the commissioner of labor and industry. A master plumber may
 2.32 also work as a journeyman plumber, a restricted journeyman plumber, and a restricted
 2.33 master plumber. A journeyman plumber may also work as a restricted journeyman
 2.34 plumber. Anyone not so licensed may do plumbing work which complies with the
 2.35 provisions of the minimum standard prescribed by the state commissioner of ~~health~~ labor

3.1 and industry on premises or that part of premises owned and actually occupied by the
3.2 worker as a residence, unless otherwise forbidden to do so by a local ordinance.

3.3 ~~In any such city~~ (b) No person, firm, or corporation shall engage in the business of
3.4 installing plumbing nor install plumbing in connection with the dealing in and selling
3.5 of plumbing material and supplies unless at all times a licensed master plumber, or in
3.6 cities and towns with a population of fewer than 5,000 according to the federal census a
3.7 restricted master plumber, who shall be responsible for proper installation, is in charge
3.8 of the plumbing work of the person, firm, or corporation.

3.9 The Department of ~~Health~~ Labor and Industry shall prescribe rules, not inconsistent
3.10 herewith, for the examination and licensing of plumbers.

3.11 Sec. 4. **[326.402] RESTRICTED PLUMBER LICENSE.**

3.12 Subdivision 1. **Licensure.** The commissioner of labor and industry shall grant a
3.13 restricted journeyman or master plumber license to an individual if:

3.14 (1) the individual completes an application with information required by the
3.15 commissioner of labor and industry;

3.16 (2) the completed application is accompanied by a fee of \$90;

3.17 (3) the commissioner of labor and industry receives the completed application and
3.18 fee before January 1, 2008;

3.19 (4) the completed application demonstrates that the applicant has had at least two
3.20 years for a restricted journeyman plumber license or four years for a restricted master
3.21 plumber license of practical plumbing experience in the plumbing trade prior to the
3.22 application; and

3.23 (5) during the entire time for which the applicant is claiming experience in
3.24 contracting for plumbing work under clause (4), the applicant was in compliance with all
3.25 applicable requirements of section 326.40.

3.26 Subd. 2. **Use of license.** A restricted master plumber and restricted journeyman
3.27 plumber may engage in the plumbing trade in all areas of the state except in cities and
3.28 towns with a population of more than 5,000 according to the federal census.

3.29 Subd. 3. **Application period.** Applications for restricted master plumber and
3.30 restricted journeyman plumber licenses must be submitted to the commissioner prior
3.31 to January 1, 2008.

3.32 Subd. 4. **Renewal; use period for license.** A restricted master plumber and
3.33 restricted journeyman plumber license must be renewed annually for as long as that
3.34 licensee engages in the plumbing trade. Failure to renew a restricted master plumber and
3.35 restricted journeyman plumber license within 12 months after the expiration date will

4.1 result in permanent forfeiture of the restricted master plumber and restricted journeyman
4.2 plumber license.

4.3 Subd. 5. **Prohibition of transference.** A restricted master plumber and restricted
4.4 journeyman plumber license may not be transferred or sold to any other person.

4.5 Subd. 6. **Bond; insurance.** A restricted master plumber licensee is subject to the
4.6 bond and insurance requirements of section 326.40, subdivision 2, unless the exemption
4.7 provided by section 326.40, subdivision 3, applies.

4.8 Subd. 7. **Fee.** The annual fee for the restricted master plumber and restricted
4.9 journeyman plumber licenses is the same fee as for a master or journeyman plumber
4.10 license, respectively.

4.11 **Sec. 5. REPEALER.**

4.12 Minnesota Statutes 2006, section 326.45, is repealed.

APPENDIX
Repealed Minnesota Statutes: H0754-1

326.45 STATE LICENSE; EXAMINATION; APPLICATION.

The provisions of sections 326.37 to 326.45 which require state licenses to engage in the work or business of plumbing, and the provisions which provide for the examination of applicants for such licenses, shall only apply in cities having a population of 5,000 or more.