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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 2049

March 13, 2007

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

1.1 A bill for an act
1.2 relating to occupations; establishing the Mechanical Systems Council;
1.3 establishing mechanical trade licensing requirements; proposing coding for new
1.4 law in Minnesota Statutes, chapter 326.

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

1.6 Section 1. [326.531] MECHANICAL SYSTEMS COUNCIL.

1.7 Subdivision 1. **Composition.** The Mechanical Systems Council shall consist of 11
1.8 members, residents of the state, appointed by the governor, and confirmed by the senate
1.9 and the commissioner of the Department of Labor and Industry or his designee shall
1.10 be a nonvoting member.

1.11 Two members shall be municipal mechanical inspectors; one from the seven-county
1.12 metro area and one from greater Minnesota; and one a licensed mechanical or professional
1.13 engineer;

1.14 The eight additional members shall represent each of the eight mechanical license
1.15 categories detailed in section 326.532.

1.16 The engineer, the limited license representative of section 326.532, subdivision 4,
1.17 paragraph (a), and the unlimited license representative of section 326.532, subdivision
1.18 7, shall serve an initial term of two years.

1.19 The municipal mechanical inspector representing the seven-county metro area,
1.20 the limited license representatives of section 326.532, subdivisions 5 and 7, and the
1.21 unlimited license representative of section 326.532, subdivision 6, shall serve an initial
1.22 term of three years.

1.23 The municipal mechanical inspector representing the greater Minnesota area, the
1.24 limited license representatives of section 326.532, subdivision 6, and the unlimited

2.1 license representatives of section 326.532, subdivisions 4 and 5, shall serve an initial
2.2 term of four years.

2.3 These members or replacement members, all or in part, shall be appointed by the
2.4 governor and confirmed by the senate, to subsequent three-year terms.

2.5 Midterm vacancies shall be filled by the governor for the remaining portion of
2.6 the term.

2.7 The meaning of the terms "masters and journeypersons" shall be as prescribed
2.8 in section 326.532.

2.9 Subd. 2. **Powers.** (1) The council shall elect its officers.

2.10 (2) The council shall select the mechanical and fuel gas codes for Minnesota. The
2.11 selection of mechanical and fuel gas codes shall include a comprehensive review of
2.12 available model codes, the approval of all additions, amendments, and deletions to these
2.13 codes. The council shall coordinate the adoption of the mechanical and fuel gas codes
2.14 with the commissioner of the Department of Labor and Industry to the best of its ability.

2.15 (3) The council shall maintain an appeals committee to make determinations
2.16 regarding any complaints, code amendments, code compliance, and code clarifications
2.17 filed with the council. These complaints may originate with the municipal inspectors
2.18 and/or the mechanical contractors or their employees and all other persons engaged in the
2.19 design, installation, alteration, and inspection of a mechanical system or those that have
2.20 purchased such services or systems. The council shall make their findings known to all
2.21 parties and the commissioner of the Department of Labor and Industry within a period
2.22 of time specified by the council.

2.23 (4) The council shall have the authority to adopt rules necessary for the regulation
2.24 and licensing of inspectors, contractors, journeypersons, apprentices, and all other persons
2.25 engaged in the design, installation, alteration, and inspection of mechanical systems
2.26 utilized to provide control of environmental conditions and regulated processes within
2.27 buildings or regulated by the mechanical and fuel gas codes adopted. Municipalities shall
2.28 not create additional licensing requirements for performing work on mechanical systems
2.29 regulated by the State Mechanical and Fuel Gas Codes.

2.30 (5) The council shall have the authority to adopt rules to determine the level of
2.31 continuing education for inspectors and licensed individuals.

2.32 (6) All persons appointed to the council shall possess a current license required for
2.33 contractors or persons engaged in the design, installation, alteration, and inspection of
2.34 mechanical systems in effect at the time of their appointment except for the mechanical
2.35 engineer and the commissioner or his designee.

3.1 (7) Pay such other expenses as it may deem necessary in the performance of
3.2 its duties, including rent, supplies in the manner and amount as authorized by the
3.3 commissioner's plan adopted under section 43A.18, subdivision 2.

3.4 Subd. 3. **Fees and finances; disposition.** The council shall submit a budget to the
3.5 commissioner of the Department of Labor and Industry annually. The commissioner of
3.6 the Department of Labor and Industry shall collect fees as necessary for the operation
3.7 and continuance of the council. The commissioner of the Department of Labor and
3.8 Industry shall be responsible for the enforcement of the codes and licensing requirements
3.9 prescribed by the council. The council shall set fees for licenses of mechanical systems
3.10 contractors and persons engaged in the design, installation, alteration, and inspection of
3.11 mechanical systems as directed by the council and for all mechanical systems permits.

3.12 **Sec. 2. [326.532] MECHANICAL TRADE LICENSING.**

3.13 Subdivision 1. **Licenses required; rules; time credit.** No person shall engage in or
3.14 work at the business of any of the following mechanical construction trades unless issued
3.15 a license to do so by the State Council of Mechanical Systems. Mechanical construction
3.16 trades' work shall mean all scopes of work regulated by the mechanical and fuel gas
3.17 codes adopted by Minnesota.

3.18 Subd. 2. **Exception.** A home owner may perform work, regulated by this section,
3.19 within a single family dwelling they own and occupy. Mechanical permits shall be
3.20 required for this work.

3.21 Subd. 3. **Contractor, master, journeyperson licensing.** The council shall by rule
3.22 set minimum requirements for contractor, master, and journeyperson licensing for each
3.23 of the categories outlined in subdivisions 4 to 7. Every contractor shall have a master
3.24 license or employ a person with a master license for each of the scopes of work that
3.25 they engage in, as defined below. A master license shall be registered with a maximum
3.26 of one contractor. All persons performing work regulated by these licenses shall have
3.27 either a master license or a journeyperson license for each of the scopes of work they
3.28 perform as defined below. Apprentices shall be registered with a federal or state approved
3.29 apprenticeship program and shall be allowed to perform work under the direct supervision
3.30 of either a master or journeyperson licensed for the scope of work being performed.
3.31 "Direct supervision" means an apprentice is being supervised by an individual licensed to
3.32 perform the scope of work being performed.

3.33 Subd. 4. **Air conditioning/piping, refrigeration, and cooling systems.** (a) An air
3.34 conditioning/piping, refrigeration, and cooling systems limited license applies to persons
3.35 or companies that install, alter, repair, or service air conditioning and refrigeration systems

4.1 or cooling equipment and any related piping, not exceeding 90,000 Btu/hr per appliance or
4.2 piece of equipment regulated by the Minnesota Mechanical Code.

4.3 (b) An air conditioning/piping, refrigeration, and cooling systems unlimited
4.4 license applies to persons or companies that install, alter, repair, or service all types of
4.5 air conditioning and refrigeration systems or cooling equipment and any related piping
4.6 regulated by the Minnesota Mechanical Code.

4.7 Subd. 5. **Air handling, warm air heating, air conditioning/air distribution**
4.8 **and ventilating systems.** Warm air heating systems means all heating appliances and
4.9 equipment that use heated air as a medium for space conditioning.

4.10 (a) An air handling, warm air heating, air conditioning/air distribution and ventilating
4.11 systems limited license applies to persons or companies that install, alter, repair, or service
4.12 air handling, warm air heating, ventilating and air conditioning appliances, equipment,
4.13 and air distribution and exhaust systems, including all chimneys and vents that serve
4.14 residential occupancies and are regulated by the Minnesota Mechanical Code.

4.15 (b) An air handling, warm air heating, air conditioning/air distribution and
4.16 ventilating systems unlimited license applies to persons or companies that install,
4.17 alter, repair, or service air handling, warm air heating, ventilating and air conditioning
4.18 appliances, equipment, and air distribution and exhaust systems, including all chimneys
4.19 and vents, in any occupancy and are regulated by the Minnesota Mechanical Code.

4.20 Subd. 6. **Fuel piping and burner systems.** (a) A fuel piping and burner systems
4.21 limited license applies to persons or companies that install, alter, repair, or service fuel gas
4.22 (natural and propane), oil, and solid fuel burning appliances and equipment for structures
4.23 having a total installed heating system capacity of less than 400,000 Btu/hr, including
4.24 all chimneys and vents for these systems.

4.25 (b) A fuel piping and burner systems unlimited license applies to persons or
4.26 companies that install, alter, repair, or service fuel gas (natural and propane), oil, and solid
4.27 fuel burning appliances and equipment for structures, including all chimneys and vents.

4.28 Subd. 7. **Steam and hot water heating.** (a) A steam and hot water heating limited
4.29 license applies to persons or companies that install, alter, repair, or service steam or hot
4.30 water heating systems, not regulated by the high pressure pipefitting license in section
4.31 326.48, including chimneys and vents.

4.32 (b) A steam and hot water heating unlimited license scope of work is regulated by
4.33 the high pressure pipefitting license in section 326.48.

4.34 Subd. 8. **License requirements.** (a) The Mechanical Systems Council shall by rule
4.35 create exams and provide for the testing for contractors, masters, and journeypersons
4.36 license for each scope of work listed above.

5.1 The council shall by rule set parameters for one-time granting of licenses to
5.2 contractors, masters, and journeypersons currently engaged in the scopes of work
5.3 regulated herein. The council shall review and determine if any exam administered by a
5.4 municipality will be acceptable as equal to an exam issued by the council. Contractors
5.5 and individuals holding contractors, masters, and journeypersons licenses or competency
5.6 cards issued by cities where an examination, rated as equal to the council's exams, has
5.7 been successfully completed, shall be granted a license for each of the appropriate scopes
5.8 of work tested for in the examination.

5.9 (b) Persons that have successfully completed a federal or state approved
5.10 apprenticeship program shall be granted a license for each of the appropriate scopes
5.11 of work defined in their apprenticeship.

5.12 (c) Contractors and journeypersons with a minimum of five years verifiable
5.13 experience, prior to January 1, 2010, in each scope of work they are seeking a license for,
5.14 shall be granted the opportunity to take the exam for that license within the following year.
5.15 All such persons must make application and pass the applicable exam within one year
5.16 from the date of application. Verifiable experience shall mean the installing, altering,
5.17 repairing, and servicing or regulated mechanical appliances, equipment, and systems for
5.18 each scope of licensed work. Verifiable experience may also include supervisory duties
5.19 over the individuals that performed the regulated work.