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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 3034**

February 18, 2008

    Authored by Mahoney, Gunther and Nelson

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

March 11, 2008

    Committee Recommendation and Adoption of Report:

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

March 25, 2008

    Committee Recommendation and Adoption of Report:

    To Pass and re-referred to the Committee on Finance

A bill for an act

1.1 relating to construction professions; modifying provisions relating to the  
1.2 electrical, plumbing, water conditioning, boiler, and high-pressure piping  
1.3 professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision  
1.4 3; 326.244, subdivision 1; 327.32, subdivision 1; 327.33, by adding subdivisions;  
1.5 327A.04, subdivision 2; 327A.07; 327B.06, subdivision 1; Minnesota Statutes  
1.6 2007 Supplement, sections 16B.64, subdivision 8; 183.60, subdivision 2; 326.01,  
1.7 subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5,  
1.8 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a;  
1.9 326.3705, subdivision 1; 326.40, subdivisions 2, 3, by adding a subdivision;  
1.10 326.47, subdivision 2; 326.48, subdivisions 1, 2, 2a, 2b, 5; 326.50; 326.505,  
1.11 subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.841; 326.86, subdivision  
1.12 1; 326.87, subdivision 5; 326.93, subdivision 4; 326.94, subdivision 2; 326.97,  
1.13 subdivision 1a; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision  
1.14 3; 326B.42, by adding a subdivision; 326B.89, subdivisions 5, 6, 12, 14;  
1.15 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing  
1.16 Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement,  
1.17 sections 326.2411; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws  
1.18 2007, chapter 135, article 4, sections 2; 8; article 6, section 3; Laws 2007, chapter  
1.19 140, article 12, section 9; Minnesota Rules, part 3800.3510.  
1.20

1.21 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.22 Section 1. Minnesota Statutes 2007 Supplement, section 16B.64, subdivision 8, is  
1.23 amended to read:

1.24 Subd. 8. **Effective date of rules.** A rule to adopt or amend the state's building code  
1.25 is effective 180 days after the filing of the rule with the secretary of state under section  
1.26 14.16 or 14.26. The rule may provide for a ~~different~~ later effective date. The rule may  
1.27 provide for an earlier effective date if the commissioner or board proposing the rule finds  
1.28 that a ~~different~~ an earlier effective date is necessary to protect public health and safety  
1.29 after considering, among other things, the need for time for training of individuals to  
1.30 comply with and enforce the rule.

2.1 Sec. 2. Minnesota Statutes 2007 Supplement, section 183.60, subdivision 2, is  
2.2 amended to read:

2.3 Subd. 2. **Repair violation.** ~~No~~ A person who repairs a boiler or pressure vessel by  
2.4 welding or riveting ~~so as not to~~ must meet the minimum requirements established by the  
2.5 current edition of the National Board of Boiler and Pressure Vessel Inspectors inspection  
2.6 code and the rules of the department.

2.7 Sec. 3. Minnesota Statutes 2006, section 299F.011, subdivision 3, is amended to read:

2.8 Subd. 3. **Rules for code administration and enforcement.** The commissioner  
2.9 of public safety shall adopt rules as may be necessary to administer and enforce the  
2.10 code, specifically including but not limited to rules for inspection of buildings and other  
2.11 structures covered by the code and conforming the code to the governmental organization  
2.12 of Minnesota state agencies, political subdivisions and local governments.

2.13 Sec. 4. Minnesota Statutes 2007 Supplement, section 326.01, subdivision 4b, is  
2.14 amended to read:

2.15 Subd. 4b. **Elevator contractor.** "Elevator contractor" means a licensed contractor  
2.16 whose responsible licensed individual is a licensed master elevator constructor. An  
2.17 elevator contractor license does not itself qualify its holder to perform or supervise the  
2.18 electrical or elevator work authorized by holding ~~any other~~ a personal license issued by  
2.19 the commissioner.

2.20 Sec. 5. Minnesota Statutes 2007 Supplement, section 326.01, subdivision 5, is  
2.21 amended to read:

2.22 Subd. 5. **Contractor.** "Contractor" means a person who performs or offers to  
2.23 perform any electrical work, with or without compensation, who is licensed as a contractor  
2.24 by the commissioner. A contractor's license does not of itself qualify its holder to perform  
2.25 or supervise the electrical work authorized by holding any class of electrician's or other  
2.26 personal ~~electrical~~ license. Contractor includes electrical contractors and technology  
2.27 system contractors.

2.28 Sec. 6. Minnesota Statutes 2007 Supplement, section 326.2415, subdivision 2, is  
2.29 amended to read:

2.30 Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the  
2.31 power to:

2.32 (1) elect its chair, vice-chair, and secretary;

3.1 (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board,  
3.2 and containing such other provisions as may be useful and necessary for the efficient  
3.3 conduct of the business of the board;

3.4 (3) adopt the Minnesota Electrical Code ~~shall, which must~~ be the most current  
3.5 edition of the National Electrical Code ~~upon its adoption by the board~~ and any amendments  
3.6 thereto ~~as adopted by the board~~. The board shall adopt the most current edition of the  
3.7 National Electrical Code and any amendments thereto pursuant to chapter 14 and as  
3.8 provided in subdivision 6, paragraphs (b) and (c);

3.9 (4) review requests for final interpretations and issue final interpretations as provided  
3.10 in section 16B.63, subdivision 5;

3.11 (5) adopt rules that regulate the licensure or registration of electrical businesses,  
3.12 electrical contractors, master electricians, journeyman electricians, Class A installer,  
3.13 Class B installer, power limited technicians, and other persons who perform electrical  
3.14 work except for those individuals licensed under section 326.02, subdivisions 2 and 3.  
3.15 The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision  
3.16 6, paragraphs (d) and (e);

3.17 (6) adopt rules that regulate continuing education for individuals licensed or  
3.18 registered as electrical businesses, electrical contractors, master electricians, journeyman  
3.19 electricians, Class A installer, Class B installer, power limited technicians, and other  
3.20 persons who perform electrical work. The board shall adopt these rules pursuant to chapter  
3.21 14 and as provided in subdivision 6, ~~paragraph~~ paragraphs (d) and (e);

3.22 (7) advise the commissioner regarding educational requirements for electrical  
3.23 inspectors;

3.24 (8) refer complaints or other communications to the commissioner, whether oral or  
3.25 in writing, as provided in subdivision 8, that ~~alleges~~ allege or ~~implies~~ imply a violation  
3.26 of a statute, rule, or order that the commissioner has the authority to enforce pertaining  
3.27 to code compliance, licensure, registration, or an offering to perform or performance  
3.28 of unlicensed electrical services;

3.29 (9) approve per diem and expenses deemed necessary for its members as provided in  
3.30 subdivision 3;

3.31 (10) approve license reciprocity agreements;

3.32 (11) select from its members individuals to serve on any other state advisory council,  
3.33 board, or committee; and

3.34 (12) recommend the fees for licenses and certifications.

3.35 Except for the powers granted to the Plumbing Board, Board of Electricity, and  
3.36 the Board of High Pressure Piping Systems, the commissioner of labor and industry

4.1 shall administer and enforce the provisions of this chapter and any rules promulgated  
4.2 pursuant thereto.

4.3 (b) The board shall comply with section 15.0597, subdivisions 2 and 4.

4.4 (c) The commissioner shall coordinate the board's rulemaking and recommendations  
4.5 with the recommendations and rulemaking conducted by all of the other boards created  
4.6 pursuant to chapter 326B. The commissioner shall provide staff support to the board. The  
4.7 support includes professional, legal, technical, and clerical staff necessary to perform  
4.8 rulemaking and other duties assigned to the board. The commissioner of labor and  
4.9 industry shall supply necessary office space and supplies to assist the board in its duties.

4.10 Sec. 7. Minnesota Statutes 2007 Supplement, section 326.2415, subdivision 6, is  
4.11 amended to read:

4.12 Subd. 6. **Officers, quorum, voting.** (a) The board shall elect annually from its  
4.13 members a chair, vice-chair, and secretary. A quorum of the board shall consist of a  
4.14 majority of members of the board qualified to vote on the matter in question. All questions  
4.15 concerning the manner in which a meeting is conducted or called that is not covered  
4.16 by statute shall be determined by Robert's Rules of Order (revised) unless otherwise  
4.17 specified by the bylaws.

4.18 (b) Each electrical code amendment considered by the board that receives an  
4.19 affirmative two-thirds or more majority vote of all of the voting members of the board  
4.20 shall be included in the next electrical code rulemaking proceeding initiated by the board.  
4.21 If an electrical code amendment considered, or reconsidered, by the board receives less  
4.22 than a two-thirds majority vote of all of the voting members of the board, the electrical  
4.23 code amendment shall not be included in the next electrical code rulemaking proceeding  
4.24 initiated by the board.

4.25 (c) The board may reconsider electrical code amendments during an active electrical  
4.26 code rulemaking proceeding in which the amendment previously failed to receive a  
4.27 two-thirds majority vote or more of all of the voting members of the board only if new  
4.28 or updated information that affects the electrical code amendment is presented to the  
4.29 board. The board may also reconsider failed electrical code amendments in subsequent  
4.30 electrical code rulemaking proceedings.

4.31 (d) Each proposed rule and rule amendment considered by the board pursuant to the  
4.32 rulemaking authority specified in subdivision 2, paragraph (a), clauses (5) and (6), that  
4.33 receives an affirmative majority vote of all of the voting members of the board shall be  
4.34 included in the next rulemaking proceeding initiated by the board. If a proposed rule or  
4.35 rule amendment considered, or reconsidered, by the board receives less than an affirmative

5.1 majority vote of all of the voting members of the board, the proposed rule or rule  
5.2 amendment shall not be included in the next rulemaking proceeding initiated by the board.

5.3 (e) The board may reconsider proposed ~~rule rules~~ or rule ~~amendment amendments~~  
5.4 during an active rulemaking proceeding in which the amendment previously failed to  
5.5 receive an affirmative majority vote of all of the voting members of the board only if new  
5.6 or updated information that affects the proposed rule or rule amendment is presented to  
5.7 the board. The board may also reconsider failed proposed ~~rule rules~~ or rule ~~amendment~~  
5.8 amendments in subsequent rulemaking proceedings.

5.9 Sec. 8. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 2, is  
5.10 amended to read:

5.11 Subd. 2. **Journeyman electrician.** (a) Except as otherwise provided by law, no  
5.12 individual shall perform and supervise any electrical work except for planning or laying  
5.13 out of electrical work unless:

5.14 (1) the individual is licensed by the commissioner as a journeyman electrician; and

5.15 (2) the electrical work is:

5.16 (i) for a contractor and the individual is an employee, partner, or officer of the  
5.17 licensed contractor; or

5.18 (ii) performed under the supervision of a master electrician also employed by  
5.19 the individual's employer on electrical wiring, apparatus, equipment, or facilities that  
5.20 are owned or leased by the employer and that are located within the limits of property  
5.21 operated, maintained, and either owned or leased by the employer.

5.22 (b) An applicant for a Class A journeyman electrician license shall have had at  
5.23 least four years of experience, acceptable to the commissioner, in wiring for, installing,  
5.24 and repairing electrical wiring, apparatus, or equipment, provided however, that ~~the~~  
5.25 ~~commissioner may by rule allow~~ one year of experience credit for the successful  
5.26 completion of a two-year post high school electrical course approved by the commissioner  
5.27 may be allowed.

5.28 (c) As of August 1, 1985, no new Class B journeyman electrician licenses shall be  
5.29 issued. An individual who holds a Class B journeyman electrician license as of August 1,  
5.30 1985, may retain and renew the license and exercise the privileges it grants, which include  
5.31 electrical work limited to single phase systems, not over 200 amperes in capacity, on  
5.32 farmsteads or on single-family dwellings located in towns or municipalities with fewer  
5.33 than 2,500 inhabitants.

6.1 Sec. 9. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 3d, is  
6.2 amended to read:

6.3 Subd. 3d. **Power limited technician.** (a) Except as otherwise provided by law, no  
6.4 individual shall install, alter, repair, plan, lay out, or supervise the installing, altering,  
6.5 repairing, planning, or laying out of electrical wiring, apparatus, or equipment for  
6.6 technology circuits or systems unless:

6.7 (1) the individual is licensed by the commissioner as a power limited technician; and

6.8 (2) the electrical work is:

6.9 (i) for a licensed contractor and the individual is an employee, partner, or officer of,  
6.10 or is the licensed contractor; or

6.11 (ii) performed under the direct supervision of a master electrician or power limited  
6.12 technician also employed by the individual's employer on technology circuits, systems,  
6.13 apparatus, equipment, or facilities that are owned or leased by the employer and that are  
6.14 located within the limits of property operated, maintained, and either owned or leased by  
6.15 the employer.

6.16 (b) An applicant for a power limited technician's license shall (1) be a graduate of  
6.17 a four-year electrical course offered by an accredited college or university; or (2) have  
6.18 had at least 36 months' experience, acceptable to the ~~board~~ commissioner, in planning for,  
6.19 laying out, supervising, installing, altering, and repairing wiring, apparatus, or equipment  
6.20 for power limited systems, provided however, that ~~the board may by rule provide for the~~  
6.21 ~~allowance of~~ up to 12 months (2,000 hours) of experience credit for successful completion  
6.22 of a two-year post high school electrical course or other technical training approved by  
6.23 the ~~board~~ commissioner may be allowed.

6.24 (c) Licensees must attain 16 hours of continuing education acceptable to the board  
6.25 every renewal period.

6.26 (d) A company holding an alarm and communication license as of June 30, 2003,  
6.27 may designate one individual who may obtain a power limited technician license without  
6.28 passing an examination administered by the commissioner by submitting an application  
6.29 and license fee of \$30.

6.30 (e) A person who has submitted an application by December 30, 2007, to take the  
6.31 power limited technician examination administered by the department is not required to  
6.32 meet the qualifications set forth in paragraph (b).

6.33 Sec. 10. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding  
6.34 a subdivision to read:

7.1           Subd. 3e. **Elevator constructor.** (a) An individual licensed as an elevator  
7.2 constructor may install, maintain, and repair electrical wiring, apparatus, and equipment  
7.3 for elevators and escalators while in the employ of an elevator contractor or Class A  
7.4 electrical contractor.

7.5           (b) An applicant for an elevator constructor's license shall have at least 36 months'  
7.6 experience, acceptable to the commissioner, in wiring for, installing, and repairing  
7.7 electrical wiring, apparatus, or equipment for elevators and escalators, provided, however,  
7.8 that the board may by rule allow one year of experience credit for the completion of a  
7.9 two-year post-high school electrical course approved by the commissioner.

7.10          Sec. 11. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding  
7.11 a subdivision to read:

7.12           Subd. 3f. **Lineman.** (a) An individual licensed as a lineman may install, maintain,  
7.13 and repair transmission and distribution systems that are or will be owned or leased by an  
7.14 electric utility.

7.15           (b) An applicant for a lineman's license shall have at least 48 months' experience,  
7.16 acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring,  
7.17 apparatus, or equipment for an electrical utility.

7.18          Sec. 12. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding  
7.19 a subdivision to read:

7.20           Subd. 3g. **Maintenance electrician.** (a) An individual licensed as a maintenance  
7.21 electrician may maintain and repair electrical wiring, apparatus, and equipment while in  
7.22 the employ of a contractor, or as a full-time employee of a single employer while engaged  
7.23 in the maintenance and repair of electrical wiring, apparatus, and equipment owned or  
7.24 leased by the employer and located within the limits of property owned or leased by  
7.25 the employer.

7.26           (b) An applicant for a maintenance electrician's license shall have at least 48 months'  
7.27 experience, acceptable to the commissioner, in wiring for, installing, and repairing  
7.28 electrical wiring, apparatus, or equipment, provided, however, that the board may by rule  
7.29 allow one year of experience credit for the completion of a two-year post-high school  
7.30 electrical course approved by the commissioner.

7.31          Sec. 13. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding  
7.32 a subdivision to read:

8.1            Subd. 3h. **Master elevator constructor.** (a) An individual licensed as a master  
8.2 elevator constructor may, while licensed as an elevator electrical contractor or while  
8.3 in the employ of an elevator contractor or Class A electrical contractor, plan, lay out,  
8.4 supervise and install, maintain, and repair wiring, apparatus, and equipment for elevators  
8.5 and escalators.

8.6            (b) An applicant for a master elevator constructor's license shall have at least 60  
8.7 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing  
8.8 electrical wiring, apparatus, or equipment for elevators and escalators, provided, however,  
8.9 that the board may by rule allow one year of experience credit for the completion of a  
8.10 two-year post-high school electrical course approved by the commissioner.

8.11            Sec. 14. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 5, is  
8.12 amended to read:

8.13            **Subd. 5. Unlicensed individuals.** (a) An unlicensed individual means an individual  
8.14 who has not been licensed by the department to perform specific electrical work. An  
8.15 unlicensed individual shall not perform electrical work required to be performed by a  
8.16 licensed individual unless the individual has first registered with the department as an  
8.17 unlicensed individual. Thereafter, an unlicensed individual shall not perform electrical  
8.18 work required to be performed by a licensed individual unless the work is performed  
8.19 under the direct supervision of an individual actually licensed to perform such work. The  
8.20 licensed individual and unlicensed individual must be employed by the same employer.  
8.21 Licensed individuals shall not permit unlicensed individuals to perform electrical work  
8.22 except under the direct supervision of an individual actually licensed to perform such  
8.23 work. Unlicensed individuals shall not supervise the performance of electrical work or  
8.24 make assignments of electrical work to unlicensed individuals. Except for technology  
8.25 ~~circuit~~ circuits or ~~system~~ systems work, licensed individuals shall supervise no more  
8.26 than two unlicensed individuals. For technology ~~circuit~~ circuits or ~~system~~ systems work,  
8.27 licensed individuals shall supervise no more than three unlicensed individuals.

8.28            (b) Notwithstanding any other provision of this section, no individual other than a  
8.29 master electrician or power limited technician shall plan or lay out electrical wiring,  
8.30 apparatus, or equipment for light, heat, power, or other purposes, except circuits or  
8.31 systems exempted from personal licensing by subdivision 12, paragraph (b).

8.32            (c) Contractors employing unlicensed individuals to perform electrical work shall  
8.33 maintain records establishing compliance with this subdivision that shall identify all  
8.34 unlicensed individuals performing electrical work, except for individuals working on

9.1 circuits or systems exempted from personal licensing by subdivision 12, paragraph (b),  
9.2 and shall permit the department to examine and copy all such records.

9.3 (d) When a licensed individual supervises the electrical work of an unlicensed  
9.4 individual, the licensed individual is responsible for ensuring that the electrical work  
9.5 complies with the Minnesota Electrical Act and all rules adopted under the act.

9.6 Sec. 15. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 12,  
9.7 is amended to read:

9.8 Subd. 12. **Exemptions from licensing.** (a) An individual who is a maintenance  
9.9 electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399  
9.10 if:

9.11 (1) the individual is engaged in the maintenance and repair of electrical equipment,  
9.12 apparatus, and facilities that are owned or leased by the individual's employer and that are  
9.13 located within the limits of property operated, maintained, and either owned or leased by  
9.14 the individual's employer;

9.15 (2) the individual is supervised by:

9.16 (i) the responsible master electrician for a contractor who has contracted with the  
9.17 individual's employer to provide services for which a contractor's license is required; or

9.18 (ii) a licensed master electrician, a licensed maintenance electrician, an electrical  
9.19 engineer, or, if the maintenance and repair work is limited to technology ~~circuit and system~~  
9.20 circuits or systems work, a licensed power limited technician; and

9.21 (3) the individual's employer has filed with the commissioner a certificate of  
9.22 responsible person, signed by the responsible master electrician of the contractor, the  
9.23 licensed master electrician, the licensed maintenance electrician, the electrical engineer, or  
9.24 the licensed power limited technician, and stating that the person signing the certificate is  
9.25 responsible for ensuring that the maintenance and repair work performed by the employer's  
9.26 employees complies with the Minnesota Electrical Act and the rules adopted under that act.

9.27 (b) Employees of a licensed electrical or technology systems contractor or other  
9.28 employer where provided with supervision by a master electrician in accordance with  
9.29 subdivision 1, or power limited technician in accordance with subdivision 3d, paragraph  
9.30 (a), clause (1), are not required to hold a license under sections 326B.31 to 326B.399  
9.31 for the planning, laying out, installing, altering, and repairing of technology circuits or  
9.32 systems except planning, laying out, or installing:

9.33 (1) in other than residential dwellings, class 2 or class 3 remote control circuits that  
9.34 control circuits or systems other than class 2 or class 3, except circuits that interconnect

10.1 these systems through communication, alarm, and security systems are exempted from  
10.2 this paragraph;

10.3 (2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing  
10.4 physically unprotected circuits other than class 2 or class 3; or

10.5 (3) technology circuits ~~and~~ or systems in hazardous classified locations as covered  
10.6 by chapter 5 of the National Electrical Code.

10.7 (c) Companies and their employees that plan, lay out, install, alter, or repair class  
10.8 2 and class 3 remote control wiring associated with plug or cord and plug connected  
10.9 appliances other than security or fire alarm systems installed in a residential dwelling are  
10.10 not required to hold a license under sections 326B.31 to 326B.399.

10.11 (d) Heating, ventilating, air conditioning, and refrigeration contractors and their  
10.12 employees are not required to hold or obtain a license under sections 326B.31 to 326B.399  
10.13 when performing heating, ventilating, air conditioning, or refrigeration work as described  
10.14 in section 326.245.

10.15 (e) Employees of any electrical, communications, or railway utility, cable  
10.16 communications company as defined in section 238.02, or a telephone company as defined  
10.17 under section 237.01 or its employees, or of any independent contractor performing work  
10.18 on behalf of any such utility, cable communications company, or telephone company, shall  
10.19 not be required to hold a license under sections 326B.31 to 326B.399:

10.20 (1) while performing work on installations, materials, or equipment which are owned  
10.21 or leased, and operated and maintained by such utility, cable communications company, or  
10.22 telephone company in the exercise of its utility, antenna, or telephone function, and which

10.23 (i) are used exclusively for the generation, transformation, distribution, transmission,  
10.24 or metering of electric current, or the operation of railway signals, or the transmission  
10.25 of intelligence and do not have as a principal function the consumption or use of electric  
10.26 current or provided service by or for the benefit of any person other than such utility, cable  
10.27 communications company, or telephone company, and

10.28 (ii) are generally accessible only to employees of such utility, cable communications  
10.29 company, or telephone company or persons acting under its control or direction, and

10.30 (iii) are not on the load side of the service point or point of entrance for  
10.31 communication systems;

10.32 (2) while performing work on installations, materials, or equipment which are a part  
10.33 of the street lighting operations of such utility; or

10.34 (3) while installing or performing work on outdoor area lights which are directly  
10.35 connected to a utility's distribution system and located upon the utility's distribution poles,

11.1 and which are generally accessible only to employees of such utility or persons acting  
11.2 under its control or direction.

11.3 (f) An owner shall not be required to hold or obtain a license under sections 326B.31  
11.4 to 326B.399.

11.5 Sec. 16. Minnesota Statutes 2006, section 326.244, subdivision 1, is amended to read:

11.6 Subdivision 1. **Required inspection.** Except where any political subdivision has by  
11.7 ordinance provided for electrical inspection similar to that herein provided, every new  
11.8 electrical installation in any construction, remodeling, replacement, or repair, except  
11.9 minor repair work as the same is defined ~~by the board~~ by rule, shall be inspected by the  
11.10 ~~board~~ commissioner for compliance with accepted standards of construction for safety  
11.11 to life and property.

11.12 Sec. 17. Minnesota Statutes 2007 Supplement, section 326.244, subdivision 5, is  
11.13 amended to read:

11.14 Subd. 5. **Exemptions from inspections.** Installations, materials, or equipment shall  
11.15 not be subject to inspection under sections 326B.31 to 326B.399:

11.16 (1) when owned or leased, operated and maintained by any employer whose  
11.17 maintenance electricians are exempt from licensing under sections 326B.31 to 326B.399,  
11.18 while performing electrical maintenance work only as defined by ~~board~~ rule;

11.19 (2) when owned or leased, and operated and maintained by any electrical,  
11.20 communications, or railway utility, cable communications company as defined in section  
11.21 238.02, or telephone company as defined under section 237.01, in the exercise of its  
11.22 utility, antenna, or telephone function; and

11.23 (i) are used exclusively for the generations, transformation, distribution,  
11.24 transmission, or metering of electric current, or the operation of railway signals, or the  
11.25 transmission of intelligence, and do not have as a principal function the consumption or  
11.26 use of electric current by or for the benefit of any person other than such utility, cable  
11.27 communications company, or telephone company; and

11.28 (ii) are generally accessible only to employees of such utility, cable communications  
11.29 company, or telephone company or persons acting under its control or direction; and

11.30 (iii) are not on the load side of the service point or point of entrance for  
11.31 communication systems;

11.32 (3) when used in the street lighting operations of an electrical utility;

11.33 (4) when used as outdoor area lights which are owned and operated by an electrical  
11.34 utility and which are connected directly to its distribution system and located upon the

12.1 utility's distribution poles, and which are generally accessible only to employees of such  
12.2 utility or persons acting under its control or direction;

12.3 (5) when the installation, material, and equipment are in facilities subject to the  
12.4 jurisdiction of the federal Mine Safety and Health Act; or

12.5 (6) when the installation, material, and equipment is part of an elevator installation  
12.6 for which the elevator contractor, licensed under section 326.242, is required to obtain  
12.7 a permit from the authority having jurisdiction as provided by section 16B.747, and the  
12.8 inspection has been or will be performed by an elevator inspector certified and licensed  
12.9 by the department. This exemption shall apply only to installations, material, and  
12.10 equipment permitted or required to be connected on the load side of the disconnecting  
12.11 means required for elevator equipment under National Electrical Code Article 620, and  
12.12 elevator communications and alarm systems within the machine room, car, hoistway, or  
12.13 elevator lobby.

12.14 Sec. 18. Minnesota Statutes 2007 Supplement, section 326.37, subdivision 1a, is  
12.15 amended to read:

12.16 Subd. 1a. **Agreements with municipalities.** The commissioner may enter into an  
12.17 agreement with a municipality, in which the municipality agrees to perform plan and  
12.18 specification reviews required to be performed by the commissioner under Minnesota  
12.19 Rules, part 4715.3130, if:

12.20 (a) the municipality has adopted:

12.21 (1) the plumbing code;

12.22 (2) an ordinance that requires plumbing plans and specifications to be submitted to,  
12.23 reviewed, and approved by the municipality, except as provided in paragraph ~~(h)~~ (n);

12.24 (3) an ordinance that authorizes the municipality to perform inspections required by  
12.25 the plumbing code; and

12.26 (4) an ordinance that authorizes the municipality to enforce the plumbing code in its  
12.27 entirety, except as provided in paragraph (p);

12.28 (b) the municipality agrees to review plumbing plans and specifications for all  
12.29 construction for which the plumbing code requires the review of plumbing plans and  
12.30 specifications, except as provided in paragraph (n);

12.31 (c) the municipality agrees that, when it reviews plumbing plans and specifications  
12.32 under paragraph (b), the review will:

12.33 (1) reflect the degree to which the plans and specifications affect the public health  
12.34 and conform to the provisions of the plumbing code;

- 13.1 (2) ensure that there is no physical connection between water supply systems that  
13.2 are safe for domestic use and those that are unsafe for domestic use; and
- 13.3 (3) ensure that there is no apparatus through which unsafe water may be discharged  
13.4 or drawn into a safe water supply system;
- 13.5 (d) the municipality agrees to perform all inspections required by the plumbing  
13.6 code in connection with projects for which the municipality reviews plumbing plans and  
13.7 specifications under paragraph (b);
- 13.8 (e) the commissioner determines that the individuals who will conduct the  
13.9 inspections and the plumbing plan and specification reviews for the municipality do not  
13.10 have any conflict of interest in conducting the inspections and the plan and specification  
13.11 reviews;
- 13.12 (f) individuals who will conduct the plumbing plan and specification reviews for  
13.13 the municipality are:
- 13.14 (1) licensed master plumbers;
- 13.15 (2) licensed professional engineers; or
- 13.16 (3) individuals who are working under the supervision of a licensed professional  
13.17 engineer or licensed master plumber and who are licensed master or journeyman plumbers  
13.18 or hold a postsecondary degree in engineering;
- 13.19 (g) individuals who will conduct the plumbing plan and specification reviews for  
13.20 the municipality have passed a competency assessment required by the commissioner to  
13.21 assess the individual's competency at reviewing plumbing plans and specifications;
- 13.22 (h) individuals who will conduct the plumbing inspections for the municipality  
13.23 are licensed master or journeyman plumbers, or inspectors meeting the competency  
13.24 requirements established in rules adopted under section 16B.655;
- 13.25 (i) the municipality agrees to enforce in its entirety the plumbing code on all  
13.26 projects, except as provided in paragraph (p);
- 13.27 (j) the municipality agrees to keep official records of all documents received,  
13.28 including plans, specifications, surveys, and plot plans, and of all plan reviews, permits  
13.29 and certificates issued, reports of inspections, and notices issued in connection with  
13.30 plumbing inspections and the review of plumbing plans and specifications;
- 13.31 (k) the municipality agrees to maintain the records described in paragraph (j) in the  
13.32 official records of the municipality for the period required for the retention of public  
13.33 records under section 138.17, and shall make these records readily available for review at  
13.34 the request of the commissioner;
- 13.35 (l) the municipality and the commissioner agree that if at any time during the  
13.36 agreement the municipality does not have in effect the plumbing code or any of ordinances

14.1 described in ~~item~~ paragraph (a), or if the commissioner determines that the municipality  
14.2 is not properly administering and enforcing the plumbing code or is otherwise not  
14.3 complying with the agreement:

14.4 (1) the commissioner may, effective 14 days after the municipality's receipt of  
14.5 written notice, terminate the agreement;

14.6 (2) the municipality may challenge the termination in a contested case before the  
14.7 commissioner pursuant to the Administrative Procedure Act; and

14.8 (3) while any challenge is pending under ~~item~~ clause (2), the commissioner shall  
14.9 perform plan and specification reviews within the municipality under Minnesota Rules,  
14.10 part 4715.3130;

14.11 (m) the municipality and the commissioner agree that the municipality may terminate  
14.12 the agreement with or without cause on 90 days' written notice to the commissioner;

14.13 (n) the municipality and the commissioner agree that the municipality shall forward  
14.14 to the state for review all plumbing plans and specifications for the following types of  
14.15 projects within the municipality:

14.16 (1) hospitals, nursing homes, supervised living facilities, and similar  
14.17 health-care-related facilities regulated by the Minnesota Department of Health;

14.18 (2) buildings owned by the federal or state government; and

14.19 (3) projects of a special nature for which department review is requested by either  
14.20 the municipality or the state;

14.21 (o) where the municipality forwards to the state for review plumbing plans and  
14.22 specifications, as provided in paragraph (n), the municipality shall not collect any fee for  
14.23 plan review, and the commissioner shall collect all applicable fees for plan review; and

14.24 (p) no municipality shall revoke, suspend, or place restrictions on any plumbing  
14.25 license issued by the state.

14.26 Sec. 19. Minnesota Statutes 2007 Supplement, section 326.3705, subdivision 1,  
14.27 is amended to read:

14.28 Subdivision 1. **Composition.** (a) The Plumbing Board shall consist of 14 members.  
14.29 Twelve members shall be appointed by the governor with the advice and consent of the  
14.30 senate and shall be voting members. Appointments of members by the governor shall be  
14.31 made in accordance with section 15.066. If the senate votes to refuse to consent to an  
14.32 appointment of a member made by the governor, the governor shall appoint a new member  
14.33 with the advice and consent of the senate. One member shall be the commissioner of  
14.34 labor and industry or the commissioner of labor and industry's designee, who shall be a  
14.35 voting member. One member shall be the commissioner of health or the commissioner of

15.1 health's designee, who shall not be a voting member. Of the 12 appointed members, the  
15.2 composition shall be as follows:

15.3 (1) two members shall be municipal plumbing inspectors, one from the metropolitan  
15.4 area and one from greater Minnesota;

15.5 (2) one member shall be a licensed professional engineer specializing in plumbing  
15.6 designs or systems;

15.7 (3) two members shall be commercial/industrial plumbing contractors, one from the  
15.8 metropolitan area and one from greater Minnesota;

15.9 (4) one member shall be a residential plumbing contractor;

15.10 (5) two members shall be commercial/industrial journeymen, one from the  
15.11 metropolitan area and one from greater Minnesota;

15.12 (6) one member shall be a residential plumbing journeyman;

15.13 (7) one member shall be a water conditioning contractor;

15.14 (8) one member shall be a municipal public water supply system operator or  
15.15 superintendent; and

15.16 (9) one member shall be a public member as defined by section 214.02.

15.17 One of the municipal plumbing inspectors shall be appointed for an initial term to end on  
15.18 December 31, 2010. The other municipal plumbing inspector shall be appointed for an  
15.19 initial term to end on December 31, 2011. The professional engineer shall be appointed for  
15.20 an initial term to end on December 31, 2011. One of the commercial/industrial plumbing  
15.21 contractors shall be appointed for an initial term to end on December 31, 2010. The other  
15.22 commercial/industrial plumbing contractor shall be appointed for an initial term to end  
15.23 on December 31, 2011. The residential plumbing contractor shall be appointed for an  
15.24 initial term to end on December 31, 2010. One of the commercial/industrial plumbing  
15.25 journeymen shall be appointed for an initial term to end on December 31, 2011. The  
15.26 other commercial/industrial plumbing journeyman shall be appointed for an initial term  
15.27 to end on December 31, 2010. The residential plumbing journeyman shall be appointed  
15.28 for an initial term to end on December 31, 2011. The water conditioning contractor shall  
15.29 be appointed for an initial term to end on December 31, 2011. The municipal public  
15.30 water supply system operator or superintendent shall be appointed for an initial term to  
15.31 end on December 31, 2010. The public member shall be appointed for a term to end  
15.32 December 31, 2010.

15.33 (b) The licensed professional engineer must possess a current Minnesota professional  
15.34 engineering license and maintain the license for the duration of their term. All other  
15.35 appointed members, except for the water conditioning contractor, the public member, and  
15.36 the municipal public water supply system operator or superintendent, must possess a

16.1 current plumbing license issued by the Department of Labor and Industry and maintain  
16.2 that license for the duration of their term. The water conditioning contractor must be  
16.3 licensed as a water conditioning contractor by the Department of Labor and Industry and  
16.4 maintain the license for the duration of the term on the board. All appointed members  
16.5 must be residents of Minnesota at the time of and throughout the member's appointment.  
16.6 The term of any appointed member that does not maintain membership qualification status  
16.7 shall end on the date of the status change and the governor shall appoint a new member. It  
16.8 is the responsibility of the member to notify the board of the member's status change.

16.9 (c) For appointed members, except the initial terms designated in paragraph (a), each  
16.10 term shall be three years with the terms ending on December 31. Members appointed by  
16.11 the governor shall be limited to three consecutive terms. The governor shall, all or in part,  
16.12 reappoint the current members or appoint replacement members with the advice and  
16.13 consent of the senate. Midterm vacancies shall be filled for the remaining portion of the  
16.14 term. Vacancies occurring with less than six months time remaining in the term shall be  
16.15 filled for the existing term and the following three-year term. Members may serve until  
16.16 their successors are appointed but in no case later than July 1 in a year in which the term  
16.17 expires unless reappointed.

16.18 Sec. 20. Minnesota Statutes 2007 Supplement, section 326.40, subdivision 2, is  
16.19 amended to read:

16.20 Subd. 2. **Bond; insurance.** Any person contracting to do plumbing work must give  
16.21 bond to the state in the amount of \$25,000 for all work entered into within the state. The  
16.22 bond shall be for the benefit of persons injured or suffering financial loss by reason of  
16.23 failure to comply with the requirements of the State Plumbing Code. The bond shall  
16.24 be filed with the commissioner and shall be written by a corporate surety licensed to  
16.25 do business in the state.

16.26 In addition, each applicant for a master plumber license or restricted master plumber  
16.27 license, or renewal thereof, shall provide evidence of public liability insurance, including  
16.28 products liability insurance with limits of at least \$50,000 per person and \$100,000 per  
16.29 occurrence and property damage insurance with limits of at least \$10,000. The insurance  
16.30 shall be written by an insurer licensed to do business in the state of Minnesota and  
16.31 each licensed master plumber shall maintain on file with the commissioner a certificate  
16.32 evidencing the insurance providing that the insurance shall not be canceled without the  
16.33 insurer first giving 15 days written notice to the commissioner. The term of the insurance  
16.34 shall be concurrent with the term of the license.

17.1 Sec. 21. Minnesota Statutes 2007 Supplement, section 326.40, subdivision 3, is  
 17.2 amended to read:

17.3 Subd. 3. **Bond and insurance exemption.** If a master plumber or restricted master  
 17.4 plumber who is in compliance with the bond and insurance requirements of subdivision 2,  
 17.5 employs ~~another master~~ a licensed plumber, the employee ~~master~~ plumber shall not be  
 17.6 required to meet the bond and insurance requirements of subdivision 2. ~~A master plumber~~  
 17.7 An individual who is an employee working on the maintenance and repair of plumbing  
 17.8 equipment, apparatus, or facilities owned or leased by ~~their~~ the individual's employer and  
 17.9 which is within the limits of property owned or leased, and operated or maintained by  
 17.10 ~~their~~ the individual's employer, shall not be required to meet the bond and insurance  
 17.11 requirements of subdivision 2.

17.12 Sec. 22. Minnesota Statutes 2007 Supplement, section 326.40, is amended by adding a  
 17.13 subdivision to read:

17.14 Subd. 6. **Exterior connections.** Persons licensed as manufactured home installers  
 17.15 under chapter 327B are not required to be licensed under sections 326B.42 to 326B.49  
 17.16 when connecting the exterior building drain sewer outlets to the above ground building  
 17.17 sewer system and when connecting the exterior water line to the above ground water  
 17.18 system to the manufactured home as described in National Manufactured Housing  
 17.19 Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401  
 17.20 et seq. No additional licensure, bond, or insurance related to the scope of work permitted  
 17.21 under this subdivision may be required of a licensed manufactured home installer by  
 17.22 any unit of government.

17.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.24 Sec. 23. Minnesota Statutes 2007 Supplement, section 326.47, subdivision 2, is  
 17.25 amended to read:

17.26 Subd. 2. **Permissive municipal regulation.** The commissioner may enter into an  
 17.27 agreement with a municipality, in which the municipality agrees to perform inspections  
 17.28 and issue permits for the construction and installation of high pressure piping systems  
 17.29 within the municipality's geographical area of jurisdiction, if:

17.30 (a) The municipality has adopted:

17.31 (1) the code for power piping systems, Minnesota Rules, parts 5230.0250 to  
 17.32 5230.6200;

17.33 (2) an ordinance that authorizes the municipality to issue permits to persons holding  
 17.34 a high pressure piping business license issued by the department and only for construction

18.1 or installation that would, if performed properly, fully comply with all Minnesota Statutes  
18.2 and Minnesota Rules;

18.3 (3) an ordinance that authorizes the municipality to perform the inspections that are  
18.4 required under Minnesota Statutes or Minnesota Rules ~~of governing~~ the construction and  
18.5 installation of high pressure piping systems; and

18.6 (4) an ordinance that authorizes the municipality to enforce the code for power  
18.7 piping systems in its entirety.

18.8 (b) The municipality agrees to issue permits only to persons holding a high pressure  
18.9 piping business license as required by law at the time of the permit issuance, and only for  
18.10 construction or installation that would, if performed properly, comply with all Minnesota  
18.11 Statutes and Minnesota Rules governing the construction or installation of high pressure  
18.12 piping systems.

18.13 (c) The municipality agrees to issue permits only on forms approved by the  
18.14 department.

18.15 (d) The municipality agrees that, for each permit issued by the municipality, the  
18.16 municipality shall perform one or more inspections of the construction or installation to  
18.17 determine whether the construction or installation complies with all Minnesota Statutes  
18.18 and Minnesota Rules governing the construction or installation of high pressure piping  
18.19 systems, and shall prepare a written report of each inspection.

18.20 (e) The municipality agrees to notify the commissioner within 24 hours after the  
18.21 municipality discovers any violation of the licensing laws related to high pressure piping.

18.22 (f) The municipality agrees to notify the commissioner immediately if the  
18.23 municipality discovers that any entity has failed to meet a deadline set by the municipality  
18.24 for correction of a violation of the high pressure piping laws.

18.25 (g) The commissioner determines that the individuals who will conduct the  
18.26 inspections for the municipality do not have any conflict of interest in conducting the  
18.27 inspections.

18.28 (h) Individuals who will conduct the inspections for the municipality are permanent  
18.29 employees of the municipality and are licensed contracting high pressure pipefitters or  
18.30 licensed journeyman high pressure pipefitters.

18.31 (i) The municipality agrees to notify the commissioner within ten days of any  
18.32 changes in the names or qualifications of the individuals who conduct the inspections  
18.33 for the municipality.

18.34 (j) The municipality agrees to enforce in its entirety the code for power piping  
18.35 systems on all projects.

19.1 (k) The municipality shall not approve any piping installation unless the installation  
19.2 conforms to all applicable provisions of the high pressure piping laws in effect at the  
19.3 time of the installation.

19.4 (l) The municipality agrees to promptly require compliance or revoke a permit that  
19.5 it has issued if there is noncompliance with any of the applicable provisions of the high  
19.6 pressure piping laws in connection with the work covered by the permit. The municipality  
19.7 agrees to revoke the permit if any laws regulating the licensing of pipefitters have been  
19.8 violated.

19.9 (m) The municipality agrees to keep official records of all documents received,  
19.10 including permit applications, and of all permits issued, reports of inspections, and notices  
19.11 issued in connection with inspections.

19.12 (n) The municipality agrees to maintain the records described in paragraph (m) in  
19.13 the official records of the municipality for the period required for the retention of public  
19.14 records under section 138.17, and shall make these records readily available for review  
19.15 according to section 13.37.

19.16 (o) Not later than the tenth day of each month, the municipality shall submit to the  
19.17 commissioner a report of all high pressure piping permits issued by the municipality during  
19.18 the preceding month. This report shall be in a format approved by the commissioner  
19.19 and shall include:

- 19.20 (1) the name of the contractor;  
19.21 (2) the license number of the contractor's license issued by the commissioner;  
19.22 (3) the permit number;  
19.23 (4) the address of the job;  
19.24 (5) the date the permit was issued;  
19.25 (6) a brief description of the work; and  
19.26 (7) the amount of the inspection fee.

19.27 (p) Not later than the 31st day of January of each year, the municipality shall submit  
19.28 a summary report to the commissioner identifying the status of each high pressure piping  
19.29 project for which the municipality issued a permit during the preceding year, and the  
19.30 status of high pressure piping projects for which the municipality issued a permit during a  
19.31 prior year where no final inspection had occurred by the first day of the preceding year.  
19.32 This summary report shall include:

- 19.33 (1) the permit number;  
19.34 (2) the date of any final inspection; and  
19.35 (3) identification of any violation of high pressure piping laws related to work  
19.36 covered by the permit.

20.1 (q) The municipality and the commissioner agree that if at any time during the  
20.2 agreement the municipality does not have in effect the code for high pressure piping  
20.3 systems or any of the ordinances described in paragraph (a), or if the commissioner  
20.4 determines that the municipality is not properly administering and enforcing the code for  
20.5 high pressure piping or is otherwise not complying with the agreement:

20.6 (1) the commissioner may, effective 14 days after the municipality's receipt of  
20.7 written notice, terminate the agreement and have the administration and enforcement of  
20.8 the high pressure piping code in the involved municipality undertaken by the department;

20.9 (2) the municipality may challenge the termination in a contested case before the  
20.10 commissioner pursuant to the Administrative Procedure Act; and

20.11 (3) while any challenge under clause (2) is pending, the commissioner may exercise  
20.12 oversight of the municipality to the extent needed to ensure that high pressure piping  
20.13 inspections are performed and permits are issued in accordance with the high pressure  
20.14 piping laws.

20.15 (r) The municipality and the commissioner agree that the municipality may terminate  
20.16 the agreement with or without cause on 90 days' written notice to the commissioner.

20.17 (s) The municipality and the commissioner agree that no municipality shall  
20.18 revoke, suspend, or place restrictions on any high pressure piping license issued by the  
20.19 commissioner. If the municipality identifies during an inspection any violation that  
20.20 may warrant revocation, suspension, or placement of restrictions on a high pressure  
20.21 piping license issued by the commissioner, the municipality shall promptly notify the  
20.22 commissioner of the violation and the commissioner shall determine whether revocation,  
20.23 suspension, or placement of restrictions on any high pressure piping license issued by  
20.24 the commissioner is appropriate.

20.25 Sec. 24. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 1, is  
20.26 amended to read:

20.27 Subdivision 1. **License required; rules; time credit.** No individual shall engage in  
20.28 or work at the business of a contracting high pressure pipefitter unless issued ~~an individual~~  
20.29 a contracting high pressure pipefitter license to do so by the department under rules  
20.30 adopted by the board. No license shall be required for repairs on existing installations. No  
20.31 individual shall engage in or work at the business of journeyman high pressure pipefitter  
20.32 unless issued ~~an individual~~ a journeyman high pressure pipefitter competency license to do  
20.33 so by the department under rules adopted by the board. ~~A person~~ An individual possessing  
20.34 ~~an individual~~ a contracting high pressure pipefitter competency license may also work  
20.35 as a journeyman high pressure pipefitter.

21.1 No person shall construct or install high pressure piping, nor install high pressure  
 21.2 piping in connection with the dealing in and selling of high pressure pipe material and  
 21.3 supplies, unless, at all times, an individual possessing a contracting high pressure pipefitter  
 21.4 ~~individual~~ competency license or a journeyman high pressure pipefitter ~~individual~~  
 21.5 competency license is responsible for ensuring that the high pressure pipefitting work is in  
 21.6 conformity with Minnesota Statutes and Minnesota Rules.

21.7 The board shall prescribe rules, not inconsistent herewith, for the examination and  
 21.8 ~~individual~~ competency licensing of contracting high pressure pipefitters and journeyman  
 21.9 high pressure pipefitters and for issuance of permits by the department and municipalities  
 21.10 for the installation of high pressure piping.

21.11 An employee performing the duties of inspector for the department in regulating  
 21.12 pipefitting shall not receive time credit for the inspection duties when making an  
 21.13 application for a license required by this section.

21.14 Sec. 25. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2, is  
 21.15 amended to read:

21.16 Subd. 2. **High pressure pipefitting business license.** Before obtaining a permit  
 21.17 for high pressure piping work, a person must obtain or utilize a business with a high  
 21.18 pressure piping business license.

21.19 A person must have at all times as a full-time employee at least one individual  
 21.20 holding ~~an individual~~ a contracting high pressure pipefitter competency license. Only  
 21.21 full-time employees who hold ~~individual~~ contracting high pressure pipefitter licenses  
 21.22 are authorized to obtain high pressure piping permits in the name of the business. The  
 21.23 ~~individual~~ contracting high pressure pipefitter competency license holder can be the  
 21.24 employee of only one high pressure piping business at a time.

21.25 To retain its business license without reapplication, a person holding a high pressure  
 21.26 piping business license that ceases to employ an individual holding ~~an individual~~ a  
 21.27 contracting high pressure pipefitter competency license shall have 60 days from the last  
 21.28 day of employment of its previous ~~individual~~ contracting pipefitter competency license  
 21.29 holder to employ another license holder. The department must be notified no later than  
 21.30 five days after the last day of employment of the previous license holder.

21.31 No high pressure pipefitting work may be performed during any period when the  
 21.32 high pressure pipefitting business does not have ~~an individual~~ a contracting high pressure  
 21.33 pipefitter competency license holder on staff. If a license holder is not employed within  
 21.34 60 days after the last day of employment of the previous license holder, the pipefitting  
 21.35 business license shall lapse.

22.1 The board shall prescribe by rule procedures for application for and issuance of  
22.2 business licenses.

22.3 Sec. 26. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2a, is  
22.4 amended to read:

22.5 Subd. 2a. **Registration requirement.** All unlicensed individuals, other than  
22.6 pipefitter apprentices, must be registered under subdivision 2b. No licensed high pressure  
22.7 piping business shall employ an unlicensed individual to assist in the practical construction  
22.8 and installation of high pressure piping and appurtenances unless the unlicensed individual  
22.9 is registered with the department. A pipefitter apprentice or registered unlicensed  
22.10 individual employed by a high pressure piping business may assist in the practical  
22.11 construction and installation of high pressure piping and appurtenances only while under  
22.12 direct supervision of a licensed ~~individual~~ contracting high pressure pipefitter or licensed  
22.13 journeyman high pressure pipefitter employed by the same high pressure piping business.  
22.14 The licensed ~~individual~~ contracting high pressure pipefitter or licensed journeyman high  
22.15 pressure pipefitter shall supervise no more than two pipefitter apprentices or registered  
22.16 unlicensed individuals. The licensed ~~individual~~ contracting high pressure pipefitter or  
22.17 journeyman high pressure pipefitter is responsible for ensuring that all high pressure  
22.18 piping work performed by the pipefitter apprentice or registered unlicensed individual  
22.19 complies with Minnesota Statutes and Minnesota Rules.

22.20 The board shall make recommendations by October 1, 2008, to the chairs of  
22.21 the standing committees of the senate and house of representatives having jurisdiction  
22.22 over high pressure piping regulation on the ratio of licensed ~~individual~~ contracting  
22.23 high pressure pipefitters or licensed journeyman high pressure pipefitters to pipefitter  
22.24 apprentices or registered unlicensed individuals for purposes of supervision.

22.25 Sec. 27. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2b, is  
22.26 amended to read:

22.27 Subd. 2b. **Registration with commissioner.** An unlicensed individual may  
22.28 register to assist in the practical construction and installation of high pressure piping  
22.29 and appurtenances while in the employ of a licensed high pressure piping business by  
22.30 completing and submitting to the commissioner a registration form provided by the  
22.31 commissioner. The board of ~~High Pressure Piping Systems~~ may prescribe rules, not  
22.32 inconsistent with this section, for the registration of unlicensed individuals.

22.33 An unlicensed individual applying for initial registration shall pay the department an  
22.34 application fee of \$50. Applications for initial registration may be submitted at any time.

23.1 Registration must be renewed annually and shall be valid for one calendar year beginning  
 23.2 January 1. Applications for renewal registration must be submitted to the commissioner  
 23.3 before December 31 of each registration period on forms provided by the commissioner,  
 23.4 and must be accompanied by a fee of \$50. There shall be no refund of fees paid.

23.5 Sec. 28. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 5, is  
 23.6 amended to read:

23.7 Subd. 5. **License fee.** The department shall charge the following license fees:

23.8 (a) application for journeyman high pressure ~~pipng~~ pipefitter competency license,  
 23.9 \$120;

23.10 (b) renewal of journeyman high pressure ~~pipng~~ pipefitter competency license, \$80;

23.11 (c) application for contracting high pressure ~~pipng~~ pipefitter competency license,  
 23.12 \$270;

23.13 (d) renewal of contracting high pressure ~~pipng~~ pipefitter competency license, \$240;

23.14 (e) application for high pressure piping business license, \$450;

23.15 (f) application to inactivate a contracting high pressure ~~pipng~~ pipefitter competency  
 23.16 license or inactivate a journeyman high pressure ~~pipng~~ pipefitter competency license,  
 23.17 \$40; and

23.18 (g) renewal of an inactive contracting high pressure ~~pipng~~ pipefitter competency  
 23.19 license or inactive journeyman high pressure ~~pipng~~ pipefitter competency license, \$40.

23.20 If an application for renewal of an active or inactive journeyman high pressure  
 23.21 ~~pipng~~ pipefitter competency license or active or inactive contracting high pressure ~~pipng~~  
 23.22 pipefitter competency license is received by the department after the date of expiration of  
 23.23 the license, a \$30 late renewal fee shall be added to the license renewal fee.

23.24 Payment must accompany the application for a license or renewal of a license. There  
 23.25 shall be no refund of fees paid.

23.26 Sec. 29. Minnesota Statutes 2007 Supplement, section 326.50, is amended to read:

23.27 **326.50 LICENSE APPLICATION AND RENEWAL.**

23.28 Application for ~~an individual~~ a contracting high pressure pipefitter competency or ~~an~~  
 23.29 ~~individual~~ a journeyman high pressure pipefitter competency license shall be made to the  
 23.30 department, with fees. The applicant shall be licensed only after passing an examination  
 23.31 developed and administered by the department in accordance with rules adopted by the  
 23.32 board. A competency license issued by the department shall expire on December 31 of  
 23.33 each year. A renewal application must be received by the department within one year  
 23.34 after expiration of the competency license. A license that has been expired for more

24.1 than one year cannot be renewed, and can only be reissued if the applicant submits a  
24.2 new application for the competency license, pays a new application fee, and retakes and  
24.3 passes the applicable license examination.

24.4 Sec. 30. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 1, is  
24.5 amended to read:

24.6 Subdivision 1. **Composition.** (a) The Board of High Pressure Piping Systems  
24.7 shall consist of 13 members. Twelve members shall be appointed by the governor with  
24.8 the advice and consent of the senate and shall be voting members. Appointments of  
24.9 members by the governor shall be made in accordance with section 15.066. If the senate  
24.10 votes to refuse to consent to an appointment of a member made by the governor, the  
24.11 governor shall appoint a new member with the advice and consent of the senate. One  
24.12 member shall be the commissioner of labor and industry or the commissioner of labor and  
24.13 industry's designee, who shall be a voting member. Of the 12 appointed members, the  
24.14 composition shall be as follows:

24.15 (1) one member shall be a high pressure piping inspector;

24.16 (2) one member shall be a licensed mechanical engineer;

24.17 (3) one member shall be a representative of the high pressure piping industry;

24.18 (4) four members shall be contracting high pressure piping contractors pipefitters  
24.19 engaged in the scope business of high pressure piping, two from the metropolitan area  
24.20 and two from greater Minnesota;

24.21 (5) two members shall be journeyman high pressure piping journeymen pipefitters  
24.22 engaged in the scope business of high pressure piping systems installation, one from the  
24.23 metropolitan area and one from greater Minnesota;

24.24 (6) one member shall be a representative of industrial companies that use high  
24.25 pressure piping systems in their industrial process;

24.26 (7) one member shall be a representative from utility companies in Minnesota; and

24.27 (8) one member shall be a public member as defined by section 214.02.

24.28 The high pressure piping inspector shall be appointed for a term to end December  
24.29 31, 2011. The professional mechanical engineer shall be appointed for a term to end  
24.30 December 31, 2010. The representative of the high pressure piping industry shall be  
24.31 appointed for a term to end December 31, 2011. Two of the contracting high pressure  
24.32 piping contractors pipefitters shall be appointed for a term to end December 31, 2011. The  
24.33 other two contracting high pressure piping contractors pipefitters shall be appointed for a  
24.34 term to end December 31, 2010. One of the journeyman high pressure piping journeymen  
24.35 pipefitters shall be appointed for a term to end December 31, 2011. The other journeyman

25.1 high pressure ~~piping journeyman~~ pipefitter shall be appointed for a term to end December  
25.2 31, 2010. The one representative of industrial companies that use high pressure piping  
25.3 systems in their industrial process shall be appointed for a term to end December 31,  
25.4 2010. The one representative of a utility company in Minnesota shall be appointed for  
25.5 a term to end December 31, 2010. The public member shall be appointed for a term to  
25.6 end December 31, 2010.

25.7 (b) The licensed professional mechanical engineer must possess a current Minnesota  
25.8 professional engineering license and maintain the license for the duration of their term.  
25.9 All other appointed members, except for the representative of the piping industry, the  
25.10 representative of industrial companies that use high pressure piping systems, the public  
25.11 member, and the representative of public utility companies in Minnesota, must possess  
25.12 a current high pressure piping license issued by the Department of Labor and Industry  
25.13 and maintain that license for the duration of their term. All appointed members must be  
25.14 residents of Minnesota at the time of and throughout the member's appointment. The term  
25.15 of any appointed member that does not maintain membership qualification status shall  
25.16 end on the date of status change and the governor shall appoint a new member. It is the  
25.17 responsibility of the member to notify the board of the member's status change.

25.18 (c) For appointed members, except the initial terms designated in paragraph (a), each  
25.19 term shall be three years with the terms ending on December 31. Members appointed by  
25.20 the governor shall be limited to three consecutive terms. The governor shall, all or in part,  
25.21 reappoint the current members or appoint replacement members with the advice and  
25.22 consent of the senate. Midterm vacancies shall be filled for the remaining portion of the  
25.23 term. Vacancies occurring with less than six months time remaining in the term shall be  
25.24 filled for the existing term and the following three-year term. Members may serve until  
25.25 their successors are appointed but in no case later than July 1 in a year in which the term  
25.26 expires unless reappointed.

25.27 Sec. 31. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 2, is  
25.28 amended to read:

25.29 Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the  
25.30 power to:

25.31 (1) elect its chair, vice-chair, and secretary;

25.32 (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board,  
25.33 and containing such other provisions as may be useful and necessary for the efficient  
25.34 conduct of the business of the board;

26.1 (3) adopt the high pressure piping code that must be followed in this state and any  
26.2 high pressure piping code amendments thereto. The board shall adopt the high pressure  
26.3 piping code and any amendments thereto pursuant to chapter 14, and as provided in  
26.4 subdivision 6, paragraphs (b), (c), and (d);

26.5 (4) review requests for final interpretations and issue final interpretations as provided  
26.6 in section 16B.63, subdivision 5;

26.7 (5) except for rules regulating continuing education, adopt rules that regulate the  
26.8 licensure or registration of high pressure piping contractors, journeymen, and other  
26.9 persons engaged in the design, installation, and alteration of high pressure piping systems,  
26.10 except for those individuals licensed under section 326.02, subdivisions 2 and 3. The  
26.11 board shall adopt these rules pursuant to chapter 14 and as provided in subdivision  
26.12 6, paragraphs (e) and (f);

26.13 (6) advise the commissioner regarding educational requirements for high pressure  
26.14 piping inspectors;

26.15 (7) refer complaints or other communications to the commissioner, whether oral or  
26.16 written, as provided in subdivision ~~7~~ 8 that ~~alleges~~ allege or ~~implies~~ imply a violation of  
26.17 a statute, rule, or order that the commissioner has the authority to enforce pertaining to  
26.18 code compliance, licensure, or an offering to perform or performance of unlicensed high  
26.19 pressure piping services;

26.20 (8) approve per diem and expenses deemed necessary for its members as provided in  
26.21 subdivision 3;

26.22 (9) select from its members individuals to serve on any other state advisory council,  
26.23 board, or committee;

26.24 (10) recommend the fees for licenses and ~~certifications~~ registrations; and

26.25 (11) approve license reciprocity agreements.

26.26 Except for the powers granted to the Plumbing Board, Board of Electricity, and  
26.27 the Board of High Pressure Piping Systems, the commissioner of labor and industry  
26.28 shall administer and enforce the provisions of this chapter and any rules promulgated  
26.29 pursuant thereto.

26.30 (b) The board shall comply with section 15.0597, subdivisions 2 and 4.

26.31 (c) The commissioner shall coordinate the board's rulemaking and recommendations  
26.32 with the recommendations and rulemaking conducted by the other boards created pursuant  
26.33 to chapter 326B. The commissioner shall provide staff support to the board. The support  
26.34 includes professional, legal, technical, and clerical staff necessary to perform rulemaking  
26.35 and other duties assigned to the board. The commissioner of labor and industry shall  
26.36 supply necessary office space and supplies to assist the board in its duties.

27.1 Sec. 32. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 8, is  
27.2 amended to read:

27.3 Subd. 8. **Complaints.** (a) The board shall promptly forward to the commissioner  
27.4 the substance of any complaint or communication it receives, whether written or oral, that  
27.5 alleges or implies a violation of a statute, rule, or order that the commissioner has the  
27.6 authority to enforce pertaining to the license or registration of any person authorized by  
27.7 the department to provide high pressure piping services, the performance or offering to  
27.8 perform high pressure piping services requiring licensure by an unlicensed person, or high  
27.9 pressure piping code compliance. Each complaint or communication that is forwarded to  
27.10 the commissioner shall be submitted on a form provided by the commissioner.

27.11 (b) The commissioner shall advise the board of the status of the complaint within 90  
27.12 days after the board's written submission is received, or within 90 days after the board  
27.13 is provided with a written request for additional information or documentation from the  
27.14 commissioner or the commissioner's designee, whichever is later. The commissioner shall  
27.15 advise the board of the disposition of a complaint referred by the board within 180 days  
27.16 after the board's written submission is received. The commissioner shall annually report to  
27.17 the board a summary of the actions taken in response to complaints referred by the board.

27.18 Sec. 33. Minnesota Statutes 2007 Supplement, section 326.62, is amended to read:

27.19 **326.62 FEES.**

27.20 ~~Unless examination fees have been set by a contract under section 326B.05,~~  
27.21 Examination fees for both water conditioning contractors and water conditioning installers  
27.22 shall be \$50 for each examination. Each water conditioning contractor and installer  
27.23 license shall expire on December 31 of the year for which it was issued. The license  
27.24 fee for each initial water conditioning contractor's license shall be \$70, except that the  
27.25 license fee shall be \$35 if the application is submitted during the last three months of the  
27.26 calendar year. The license fee for each renewal water conditioning contractor's license  
27.27 shall be \$70. The license fee for each initial water conditioning installer license shall be  
27.28 \$35, except that the license fee shall be \$17.50 if the application is submitted during the  
27.29 last three months of the calendar year. The license fee for each renewal water conditioning  
27.30 installer license shall be \$35. The commissioner may by rule prescribe for the expiration  
27.31 and renewal of licenses. Any licensee who does not renew a license within two years after  
27.32 the license expires is no longer eligible for renewal. Such an individual must retake and  
27.33 pass the examination before a new license will be issued. A water conditioning contractor  
27.34 or water conditioning installer who submits a license renewal application after the time

28.1 specified in rule but within two years after the license expired must pay all past due  
28.2 renewal fees plus a late fee of \$25.

28.3 Sec. 34. Minnesota Statutes 2007 Supplement, section 326.84, subdivision 1, is  
28.4 amended to read:

28.5 Subdivision 1. **Persons required to be licensed.** A person who meets the definition  
28.6 of a residential building contractor as defined in section 326.83, subdivision 15, must be  
28.7 licensed as a residential building contractor by the commissioner. A person who meets the  
28.8 definition of a residential remodeler as defined in section 326.83, subdivision 16, must be  
28.9 licensed by the commissioner as a residential remodeler or residential building contractor.  
28.10 A person who meets the definition of a residential roofer as defined in section 326.83,  
28.11 subdivision 18, must be licensed by the commissioner as a residential roofer, residential  
28.12 building contractor, or residential remodeler. A person who meets the definition of a  
28.13 manufactured home installer as defined in section 327.31, subdivision ~~6~~ 11, must be  
28.14 licensed as a manufactured home installer by the commissioner.

28.15 Sec. 35. Minnesota Statutes 2007 Supplement, section 326.841, is amended to read:

28.16 **326.841 MANUFACTURED HOME INSTALLERS.**

28.17 (a) Manufactured home installers are subject to all of the requirements of sections  
28.18 326.83 to 326.98, except for the following:

28.19 (1) manufactured home installers are not subject to the continuing education  
28.20 requirements of section 326.87, but are subject to the continuing education requirements  
28.21 established in rules adopted under section 327B.10 and must satisfy the continuing  
28.22 education requirement under section 327B.10 related to plumbing issues prior to issuance  
28.23 of a license by the commissioner;

28.24 (2) the examination requirement of section 326.89, subdivision 3, for manufactured  
28.25 home installers shall be satisfied by successful completion of a written examination  
28.26 administered and developed specifically for the examination of manufactured home  
28.27 installers. The examination must be administered and developed by the commissioner. The  
28.28 commissioner and the state building official shall seek advice on the grading, monitoring,  
28.29 and updating of examinations from the Minnesota Manufactured Housing Association;

28.30 (3) a local government unit may not place a surcharge on a license fee, and may not  
28.31 charge a separate fee to installers;

28.32 (4) a dealer or distributor who does not install or repair manufactured homes is  
28.33 exempt from licensure under sections 326.83 to 326.98;

28.34 (5) the exemption under section 326.84, subdivision 3, clause (5), does not apply; and

29.1 (6) manufactured home installers are not subject to the contractor recovery fund  
29.2 in section 326.975.

29.3 (b) The commissioner may waive all or part of the requirements for licensure  
29.4 as a manufactured home installer for any individual who holds an unexpired license or  
29.5 certificate issued by any other state or other United States jurisdiction if the licensing  
29.6 requirements of that jurisdiction meet or exceed the corresponding licensing requirements  
29.7 of the department.

29.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

29.9 Sec. 36. Minnesota Statutes 2007 Supplement, section 326.86, subdivision 1, is  
29.10 amended to read:

29.11 Subdivision 1. **Licensing fee.** The licensing fee for persons licensed pursuant to  
29.12 sections 326.83 to 326.98, except for manufactured home installers, is \$100 per year.  
29.13 The licensing fee for manufactured home installers under section 326.841 is \$300 for a  
29.14 three-year period.

29.15 Sec. 37. Minnesota Statutes 2007 Supplement, section 326.87, subdivision 5, is  
29.16 amended to read:

29.17 Subd. 5. **Content.** (a) Continuing education consists of approved courses that  
29.18 impart appropriate and related knowledge in the regulated industries pursuant to sections  
29.19 326.83 to 326.98. Courses may include relevant materials that are included in licensing  
29.20 exams subject to the limitations imposed in paragraph (e). The burden of demonstrating  
29.21 that courses impart appropriate and related knowledge is upon the person seeking approval  
29.22 or credit.

29.23 (b) Course examinations will not be required for continuing education courses  
29.24 unless they are required by the sponsor.

29.25 (c) Textbooks are not required to be used for continuing education courses. If  
29.26 textbooks are not used, the coordinator must provide students with a syllabus containing,  
29.27 at a minimum, the course title, the times and dates of the course offering, the names and  
29.28 addresses or telephone numbers of the course coordinator and instructor, and a detailed  
29.29 outline of the subject materials to be covered. Any written or printed material given to  
29.30 students must be of readable quality and contain accurate and current information.

29.31 (d) Upon completion of an approved course, licensees shall earn one hour of  
29.32 continuing education credit for each hour approved by the commissioner. Each continuing  
29.33 education course must be attended in its entirety in order to receive credit for the number

30.1 of approved hours. Courses may be approved for full or partial credit, and for more than  
30.2 one regulated industry.

30.3 Continuing education credit in an approved course shall be awarded to presenting  
30.4 instructors on the basis of one credit for each hour of preparation for the initial presentation,  
30.5 which may not exceed three hours total credit for each approved course. Continuing  
30.6 education credit may not be earned if the licensee has previously obtained credit for the  
30.7 same course as a licensee or as an instructor within the three years immediately prior.

30.8 (e) The following courses will not be approved for credit:

30.9 (1) courses designed solely to prepare students for a license examination;

30.10 (2) courses in mechanical office or business skills, including typing, speed reading,  
30.11 or other machines or equipment. Computer courses are allowed, if appropriate and related  
30.12 to the regulated industry of the licensee;

30.13 (3) courses in sales promotion, including meetings held in conjunction with the  
30.14 general business of the licensee;

30.15 (4) courses in motivation, salesmanship, psychology, time management, or  
30.16 communication; or

30.17 (5) courses that are primarily intended to impart knowledge of specific products of  
30.18 specific companies, if the use of the product or products relates to the sales promotion or  
30.19 marketing of one or more of the products discussed.

30.20 **EFFECTIVE DATE.** This section is effective September 1, 2008.

30.21 Sec. 38. Minnesota Statutes 2007 Supplement, section 326.93, subdivision 4, is  
30.22 amended to read:

30.23 Subd. 4. **Service on commissioner.** (a) When a person, including any nonresident  
30.24 of this state, engages in conduct prohibited or made actionable by sections 326.83 to  
30.25 326.98, or any rule or order under those sections, and the person has not consented to  
30.26 service of process under subdivision 3, that conduct is equivalent to an appointment of the  
30.27 commissioner and successors in office as the person's agent to receive service of process in  
30.28 any noncriminal suit, action, or proceeding against the person that is based on that conduct  
30.29 and is brought under sections 326.83 to 326.98, or any rule or order under those sections,  
30.30 with the same force and validity as if served personally on the person consenting to the  
30.31 appointment of the commissioner and successors in office. Service under this section shall  
30.32 be made in compliance with subdivision 5.

30.33 (b) Subdivision 5 applies in all other cases in which a person, including a nonresident  
30.34 of this state, has filed a consent to service of process. This paragraph supersedes any  
30.35 inconsistent provision of law.

31.1 (c) Subdivision 5 applies in all cases in which service of process is allowed to be  
31.2 made on the commissioner.

31.3 ~~(d) Subdivision 5 applies to any document served by the commissioner or the~~  
31.4 ~~department under section 326B.08.~~

31.5 Sec. 39. Minnesota Statutes 2007 Supplement, section 326.94, subdivision 2, is  
31.6 amended to read:

31.7 Subd. 2. **Insurance.** ~~Licenseses must have public liability insurance with limits of~~  
31.8 ~~at least \$300,000 per occurrence, which must include at least \$10,000 property damage~~  
31.9 ~~coverage.~~ Each licensee shall have and maintain in effect commercial general liability  
31.10 insurance, which includes premises and operations insurance and products and completed  
31.11 operations insurance, with limits of at least \$100,000 per occurrence, \$300,000 aggregate  
31.12 limit for bodily injury, and property damage insurance with limits of at least \$25,000  
31.13 or a policy with a single limit for bodily injury and property damage of \$300,000 per  
31.14 occurrence and \$300,000 aggregate limits. The insurance must be written by an insurer  
31.15 licensed to do business in this state. Each licensee shall maintain on file with the  
31.16 commissioner a certificate evidencing the insurance which provides that the insurance  
31.17 shall not be canceled without the insurer first giving 15 days' written notice of cancellation  
31.18 to the commissioner. The commissioner may increase the minimum amount of insurance  
31.19 required for any licensee or class of licensees if the commissioner considers it to be in the  
31.20 public interest and necessary to protect the interests of Minnesota consumers.

31.21 **EFFECTIVE DATE.** This section is effective August 1, 2008.

31.22 Sec. 40. Minnesota Statutes 2007 Supplement, section 326.97, subdivision 1a, is  
31.23 amended to read:

31.24 Subd. 1a. **Annual renewal.** Any license issued or renewed after August 1, 1993,  
31.25 must be renewed annually except for a manufactured home installer's license which shall  
31.26 have a renewal period of three years, effective for all renewals and new licenses issued  
31.27 after December 31, 2008.

31.28 Sec. 41. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 8,  
31.29 is amended to read:

31.30 Subd. 8. **Hearings related to administrative orders.** (a) Within 30 days after the  
31.31 commissioner issues an administrative order or within 20 days after the commissioner  
31.32 issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the  
31.33 person to whom the administrative order or notice is issued may request an expedited

32.1 hearing to review the commissioner's order or notice. The request for hearing must be  
32.2 in writing and must be served on or faxed to the commissioner at the address or fax  
32.3 number specified in the order or notice. If the person does not request a hearing or if the  
32.4 person's written request for hearing is not served on or faxed to the commissioner by the  
32.5 30th day after the commissioner issues the administrative order or the 20th day after the  
32.6 commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b),  
32.7 clause (3), the order will become a final order of the commissioner and will not be subject  
32.8 to review by any court or agency. The date on which a request for hearing is served by  
32.9 mail shall be the postmark date on the envelope in which the request for hearing is mailed.  
32.10 The hearing request must specifically state the reasons for seeking review of the order or  
32.11 notice. The person to whom the order or notice is issued and the commissioner are the  
32.12 parties to the expedited hearing. The commissioner must notify the person to whom the  
32.13 order or notice is issued of the time and place of the hearing at least 15 days before the  
32.14 hearing. The expedited hearing must be held within 45 days after a request for hearing has  
32.15 been ~~served on~~ received by the commissioner unless the parties agree to a later date.

32.16 (b) Parties may submit written arguments if permitted by the administrative law  
32.17 judge. All written arguments must be submitted within ten days following the ~~close~~  
32.18 completion of the hearing or the receipt of any late-filed exhibits that the parties and the  
32.19 administrative law judge have agreed should be received into the record, whichever is later.  
32.20 The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as  
32.21 modified by this subdivision. The Office of Administrative Hearings may, in consultation  
32.22 with the agency, adopt rules specifically applicable to cases under this section.

32.23 (c) The administrative law judge shall issue a report making findings of fact,  
32.24 conclusions of law, and a recommended order to the commissioner within 30 days  
32.25 following the ~~close of the record~~ completion of the hearing, the receipt of late-filed  
32.26 exhibits, or the submission of written arguments, whichever is later.

32.27 (d) If the administrative law judge makes a finding that the hearing was requested  
32.28 solely for purposes of delay or that the hearing request was frivolous, the commissioner  
32.29 may add to the amount of the penalty the costs charged to the department by the Office of  
32.30 Administrative Hearings for the hearing.

32.31 (e) If a hearing has been held, the commissioner shall not issue a final order until  
32.32 at least five days after the date of the administrative law judge's report. Any person  
32.33 aggrieved by the administrative law judge's report may, within those five days, serve  
32.34 written comments to the commissioner on the report and the commissioner shall consider  
32.35 and enter the comments in the record. The commissioner's final order shall comply with

33.1 sections 14.61, subdivision 2, and 14.62, subdivisions 1 and 2, may be appealed in the  
33.2 manner provided in sections 14.63 to 14.69.

33.3 Sec. 42. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 10,  
33.4 is amended to read:

33.5 Subd. 10. **Stop orders.** (a) If the commissioner determines based on an inspection  
33.6 or investigation that a person has violated or is about to violate the applicable law, the  
33.7 commissioner may issue to the person a stop order requiring the person to cease and desist  
33.8 from committing the violation.

33.9 (b) If the commissioner determines that a condition exists on real property that  
33.10 violates the applicable law, the commissioner may issue a stop order to the owner or  
33.11 lessee of the real property to cease and desist from committing the violation and to correct  
33.12 the condition that is in violation.

33.13 (c) The commissioner shall issue the stop work order by:

33.14 (1) serving the order on the person who has committed or is about to commit the  
33.15 violation;

33.16 (2) posting the order at the location where the violation was committed or is about to  
33.17 be committed or at the location where the violating condition exists; or

33.18 (3) serving the order on any owner or lessee of the real property where the violating  
33.19 condition exists.

33.20 (d) A stop order shall:

33.21 (1) describe the act, conduct, or practice committed or about to be committed, or the  
33.22 condition, and include a reference to the applicable law that the act, conduct, practice, or  
33.23 condition violates or would violate; and

33.24 (2) provide notice that any person aggrieved by the stop order may request a hearing  
33.25 as provided in paragraph (e).

33.26 (e) Within 30 days after the commissioner issues a stop order, any person aggrieved  
33.27 by the order may request an expedited hearing to review the commissioner's action.

33.28 The request for hearing must be made in writing and must be served on or faxed to the  
33.29 commissioner at the address or fax number specified in the order. If the person does not  
33.30 request a hearing or if the person's written request for hearing is not served on or faxed to  
33.31 the commissioner on or before the 30th day after the commissioner issued the stop order,  
33.32 the order will become a final order of the commissioner and will not be subject to review  
33.33 by any court or agency. The date on which a request for hearing is served by mail is the  
33.34 postmark date on the envelope in which the request for hearing is mailed. The hearing  
33.35 request must specifically state the reasons for seeking review of the order. The person who

34.1 requested the hearing and the commissioner are the parties to the expedited hearing. The  
34.2 hearing shall be commenced within ten days after the commissioner receives the request  
34.3 for hearing. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to  
34.4 1400.8612, as modified by this subdivision. The administrative law judge shall issue a  
34.5 report containing findings of fact, conclusions of law, and a recommended order within  
34.6 ten days after the ~~conclusion~~ completion of the hearing, the receipt of late-filed exhibits,  
34.7 or the submission of written arguments, whichever is later. Any party aggrieved by the  
34.8 administrative law judge's report shall have five days after the date of the administrative  
34.9 law judge's report to submit written exceptions and argument to the commissioner that  
34.10 the commissioner shall consider and enter in the record. Within 15 days after receiving  
34.11 the administrative law judge's report, the commissioner shall issue an order vacating,  
34.12 modifying, or making permanent the stop order. The commissioner and the person  
34.13 requesting the hearing may by agreement lengthen any time periods described in this  
34.14 paragraph. The Office of Administrative Hearings may, in consultation with the agency,  
34.15 adopt rules specifically applicable to cases under this subdivision.

34.16 (f) A stop order issued under this subdivision shall be in effect until it is modified or  
34.17 vacated by the commissioner or an appellate court. The administrative hearing provided  
34.18 by this subdivision and any appellate judicial review as provided in chapter 14 shall  
34.19 constitute the exclusive remedy for any person aggrieved by a stop order.

34.20 (g) Upon the application of the commissioner, a district court shall find the failure of  
34.21 any person to comply with a final stop order lawfully issued by the commissioner under  
34.22 this subdivision as a contempt of court.

34.23 Sec. 43. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 11,  
34.24 is amended to read:

34.25 Subd. 11. **Licensing orders; grounds; reapplication.** (a) The commissioner may  
34.26 deny an application for a permit, license, registration, or certificate if the applicant does  
34.27 not meet or fails to maintain the minimum qualifications for holding the permit, license,  
34.28 registration, or certificate, or has any unresolved violations or unpaid fees or monetary  
34.29 penalties related to the activity for which the permit, license, registration, or certificate has  
34.30 been applied for or was issued.

34.31 (b) The commissioner may deny, suspend, limit, place conditions on, or revoke a  
34.32 person's permit, license, registration, or certificate, or censure the person holding the  
34.33 permit, license, registration, or certificate, if the commissioner finds that the person:

34.34 (1) committed one or more violations of the applicable law;

35.1 (2) submitted false or misleading information to the state in connection with  
35.2 activities for which the permit, license, registration, or certificate was issued, or in  
35.3 connection with the application for the permit, license, registration, or certificate;

35.4 (3) allowed the alteration or use of the person's own permit, license, registration,  
35.5 or certificate by another person;

35.6 (4) within the previous five years, was convicted of a crime in connection with  
35.7 activities for which the permit, license, registration, or certificate was issued;

35.8 (5) violated a final administrative order issued under subdivision 7 or a final stop  
35.9 order issued under subdivision 10, or injunctive relief issued under subdivision 9;

35.10 (6) failed to cooperate with a commissioner's request to give testimony, to produce  
35.11 documents, things, apparatus, devices, equipment, or materials, or to access property  
35.12 under subdivision 2;

35.13 (7) retaliated in any manner against any employee or person who is questioned by,  
35.14 cooperates with, or provides information to the commissioner or an employee or agent  
35.15 authorized by the commissioner who seeks access to property or things under subdivision  
35.16 2;

35.17 (8) engaged in any fraudulent, deceptive, or dishonest act or practice; or

35.18 (9) performed work in connection with the permit, license, registration, or  
35.19 certificate or conducted the person's affairs in a manner that demonstrates incompetence,  
35.20 untrustworthiness, or financial irresponsibility.

35.21 (c) If the commissioner revokes or denies a person's permit, license, registration,  
35.22 or certificate under paragraph (b), the person is prohibited from reapplying for the same  
35.23 type of permit, license, registration, or certificate for at least two years after the effective  
35.24 date of the revocation or denial. The commissioner may, as a condition of reapplication,  
35.25 require the person to obtain a bond or comply with additional reasonable conditions the  
35.26 commissioner considers necessary to protect the public.

35.27 (d) If a permit, license, registration, or certificate expires, or is surrendered,  
35.28 withdrawn, or terminated, or otherwise becomes ineffective, the commissioner may  
35.29 institute a proceeding under this subdivision within two years after the permit, license,  
35.30 registration, or certificate was last effective and enter a revocation or suspension order as  
35.31 of the last date on which the permit, license, registration, or certificate was in effect.

35.32 Sec. 44. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 12,  
35.33 is amended to read:

35.34 Subd. 12. **Issuance of licensing orders; hearings related to licensing orders.**

35.35 (a) If the commissioner determines that a permit, license, registration, or certificate

36.1 should be conditioned, limited, suspended, revoked, or denied under subdivision 11,  
 36.2 or that the permit holder, licensee, registrant, or certificate holder should be censured  
 36.3 under subdivision 11, then the commissioner shall issue to the person an order denying,  
 36.4 conditioning, limiting, suspending, or revoking the person's permit, license, registration,  
 36.5 or certificate, or censuring the permit holder, licensee, registrant, or certificate holder.

36.6 (b) Any order issued under paragraph (a) may include an assessment of monetary  
 36.7 penalties and may require the person to cease and desist from committing the violation  
 36.8 or committing the act, conduct, or practice set out in subdivision 11, paragraph (b). The  
 36.9 monetary penalty may be up to \$10,000 for each violation or act, conduct, or practice  
 36.10 committed by the person. The procedures in section 326B.083 must be followed when  
 36.11 issuing orders under paragraph (a).

36.12 (c) The permit holder, licensee, registrant, certificate holder, or applicant to whom  
 36.13 the commissioner issues an order under paragraph (a) shall have 30 days after service of  
 36.14 the order to request a hearing. The request for hearing must be in writing and must be  
 36.15 served on or faxed to the commissioner at the address or fax number specified in the order  
 36.16 by the 30th day after service of the order. If the person does not request a hearing or if  
 36.17 the person's written request for hearing is not served on or faxed to the commissioner  
 36.18 by the 30th day after service of the order, the order shall become a final order of the  
 36.19 commissioner and will not be subject to review by any court or agency. The date on which  
 36.20 a request for hearing is served by mail shall be the postmark date on the envelope in which  
 36.21 the request for hearing is mailed. If the person submits to the commissioner a timely  
 36.22 request for hearing, the order is stayed unless the commissioner summarily suspends the  
 36.23 license, registration, certificate, or permit under subdivision 13, and a contested case  
 36.24 hearing shall be held in accordance with chapter 14.

36.25 ~~(d) Paragraph (c) does not apply to summary suspension under subdivision 13.~~

36.26 Sec. 45. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 13,  
 36.27 is amended to read:

36.28 Subd. 13. **Summary suspension.** In any case where the commissioner has  
 36.29 issued an order to revoke, or suspend, or deny a license, registration, certificate, or  
 36.30 permit under ~~subdivision~~ subdivisions 11, paragraph (b), and 12, the commissioner may  
 36.31 summarily suspend the person's permit, license, registration, or certificate before the  
 36.32 order becomes final. The commissioner shall issue a summary suspension order when  
 36.33 the safety of life or property is threatened or to prevent the commission of fraudulent,  
 36.34 deceptive, untrustworthy, or dishonest acts against the public. The summary suspension  
 36.35 shall not affect the deadline for submitting a request for hearing under subdivision 12.

37.1 If the commissioner summarily suspends a person's permit, license, registration, or  
37.2 certificate, a timely request for hearing submitted under subdivision 12 shall also be  
37.3 considered a timely request for hearing on continuation of the summary suspension. If the  
37.4 commissioner summarily suspends a person's permit, license, registration, or certificate  
37.5 under this subdivision and the person submits a timely request for a hearing, then a  
37.6 hearing on continuation of the summary suspension must be held within ten days after the  
37.7 commissioner receives the request for hearing unless the parties agree to a later date.

37.8 Sec. 46. Minnesota Statutes 2007 Supplement, section 326B.083, subdivision 3,  
37.9 is amended to read:

37.10 Subd. 3. **Penalty.** (a) If an administrative order includes a penalty assessment, then  
37.11 the penalty is due and payable on the date the administrative order becomes final unless  
37.12 some or all of the penalty is forgivable. If a licensing order includes a penalty assessment,  
37.13 then the penalty is due and payable on the date the licensing order becomes final.

37.14 (b) This paragraph applies if an administrative order includes a penalty assessment  
37.15 and all or a portion of the penalty is forgivable.

37.16 (1) If any portion of the penalty is not forgivable, that portion of the penalty is due  
37.17 and payable ten days after the date the administrative order becomes final.

37.18 (2) The commissioner shall forgive the forgivable portion of the penalty if the  
37.19 commissioner determines that the violation has been corrected within the time set by  
37.20 the order or the person to whom the order was issued has developed a correction plan  
37.21 acceptable to the commissioner within the time set by the order.

37.22 (3) If the commissioner determines that the person to whom the order was issued has  
37.23 failed to correct the violation within the time set by the order or has failed to develop a  
37.24 correction plan acceptable to the commissioner within the time set by the order, then the  
37.25 forgivable portion of the penalty is due and payable ~~ten~~ 20 days after the commissioner  
37.26 serves notice of the determination on the person or on the date the administrative order  
37.27 becomes final, whichever is later.

37.28 (c) This paragraph applies if an administrative order or a licensing order includes a  
37.29 penalty assessment and if the person subject to the order has requested a hearing. The  
37.30 administrative law judge may not recommend a change in the amount of the penalty if  
37.31 the penalty was assessed in accordance with a plan prepared under section 326B.082,  
37.32 subdivision 14. If the commissioner has not prepared a plan under section 326B.082,  
37.33 subdivision 14, then the administrative law judge may not recommend a change in the  
37.34 amount of the penalty unless the administrative law judge determines that, based on the  
37.35 factors in section 14.045, subdivision 3, the amount of the penalty is unreasonable.

38.1 (d) The assessment of a penalty does not preclude the use of other enforcement  
38.2 provisions, under which penalties are not assessed, in connection with the violation for  
38.3 which the penalty was assessed.

38.4 Sec. 47. Minnesota Statutes 2007 Supplement, section 326B.42, is amended by adding  
38.5 a subdivision to read:

38.6 Subd. 7. **Plumber's apprentice.** A "plumber's apprentice" is any individual, other  
38.7 than a master, restricted master, journeyman, or restricted journeyman plumber who, as  
38.8 a principal occupation, is engaged in working as an employee of a plumbing contractor  
38.9 under the direct supervision of a master, restricted master, journeyman, or restricted  
38.10 journeyman plumber and is learning and assisting in the installation of plumbing.

38.11 Sec. 48. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 5, is  
38.12 amended to read:

38.13 **Subd. 5. Payment limitations.** Except as otherwise provided in this section,  
38.14 the commissioner shall not pay compensation from the fund to an owner or a lessee  
38.15 in an amount greater than \$75,000. Except as otherwise provided in this section, the  
38.16 commissioner shall not pay compensation from the fund to owners and lessees in an  
38.17 amount that totals more than \$150,000 per licensee. The commissioner shall not pay  
38.18 compensation from the fund for a final judgment based on a cause of action that arose  
38.19 before the commissioner's receipt of the licensee's fee required by subdivision 3. The  
38.20 commissioner shall only pay compensation from the fund for a final judgment that is  
38.21 based on a contract directly between the licensee and the homeowner or lessee that was  
38.22 entered into prior to the cause of action and that requires licensure as a residential building  
38.23 contractor or residential remodeler.

38.24 Sec. 49. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 6, is  
38.25 amended to read:

38.26 **Subd. 6. Verified application.** To be eligible for compensation from the fund, an  
38.27 owner or lessee shall serve on the commissioner a verified application for compensation  
38.28 on a form approved by the commissioner. The application shall verify the following  
38.29 information:

38.30 (1) the specific grounds upon which the owner or lessee seeks to recover from  
38.31 the fund:

38.32 (2) that the owner or the lessee has obtained a final judgment in a court of competent  
38.33 jurisdiction against a licensee licensed under section 326B.803;

39.1 (3) that the final judgment was obtained against the licensee on the grounds  
39.2 of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of  
39.3 performance that arose directly out of a ~~transaction~~ contract directly between the licensee  
39.4 and the homeowner or lessee that was entered into prior to the cause of action and  
39.5 that occurred when the licensee was licensed and performing any of the special skills  
39.6 enumerated under section 326B.802, subdivision 19;

39.7 (4) the amount of the owner's or the lessee's actual and direct out-of-pocket loss on  
39.8 the owner's residential real estate, on residential real estate leased by the lessee, or on new  
39.9 residential real estate that has never been occupied or that was occupied by the licensee  
39.10 for less than one year prior to purchase by the owner;

39.11 (5) that the residential real estate is located in Minnesota;

39.12 (6) that the owner or the lessee is not the spouse of the licensee or the personal  
39.13 representative of the licensee;

39.14 (7) the amount of the final judgment, any amount paid in satisfaction of the final  
39.15 judgment, and the amount owing on the final judgment as of the date of the verified  
39.16 application; ~~and~~

39.17 (8) that the owner or lessee has diligently pursued remedies against all the judgment  
39.18 debtors and all other persons liable to the judgment debtor in the contract for which the  
39.19 owner or lessee seeks recovery from the fund; and

39.20 ~~(8)~~ (9) that the verified application is being served within two years after the  
39.21 judgment became final.

39.22 The owner's and the lessee's actual and direct out-of-pocket loss shall not include  
39.23 attorney fees, litigation costs or fees, interest on the loss, and interest on the final judgment  
39.24 obtained as a result of the loss. Any amount paid in satisfaction of the final judgment shall  
39.25 be applied to the owner's or lessee's actual and direct out-of-pocket loss. An owner or  
39.26 lessee may serve a verified application regardless of whether the final judgment has been  
39.27 discharged by a bankruptcy court. A judgment issued by a court is final if all proceedings  
39.28 on the judgment have either been pursued and concluded or been forgone, including all  
39.29 reviews and appeals. For purposes of this section, owners who are joint tenants or tenants  
39.30 in common are deemed to be a single owner. For purposes of this section, owners and  
39.31 lessees eligible for payment of compensation from the fund shall not include government  
39.32 agencies, political subdivisions, financial institutions, and any other entity that purchases,  
39.33 guarantees, or insures a loan secured by real estate.

39.34 Sec. 50. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 12,  
39.35 is amended to read:

40.1 Subd. 12. **Limitation.** Notwithstanding subdivision 5, nothing may obligate the  
40.2 fund ~~to compensate~~ for claims brought by:

40.3 (1) insurers or sureties under subrogation or similar theories; or

40.4 (2) ~~an owner~~ owners of residential property ~~for final judgments against a prior owner~~  
40.5 ~~of the residential property where the contracting activity complained of was the result of~~  
40.6 a contract entered into with a prior owner, unless the claim is brought and judgment is  
40.7 rendered for breach of the statutory warranty set forth in chapter 327A.

40.8 Sec. 51. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 14,  
40.9 is amended to read:

40.10 Subd. 14. **Accelerated compensation.** (a) Payments made from the fund to  
40.11 compensate owners and lessees that do not exceed the jurisdiction limits for conciliation  
40.12 court matters as specified in section 491A.01 may be paid on an accelerated basis if all of  
40.13 the following requirements in paragraphs (b) and (c) have been satisfied.

40.14 (b) The owner or the lessee has served upon the commissioner a verified application  
40.15 for compensation that complies with the requirements set out in subdivision 6 and the  
40.16 commissioner determines based on review of the application that compensation should be  
40.17 paid from the fund. The commissioner shall calculate the actual and direct out-of-pocket  
40.18 loss in the transaction, minus attorney fees, litigation costs or fees, interest on the loss and  
40.19 on the judgment obtained as a result of the loss, and any satisfaction of the judgment, and  
40.20 make payment to the owner or the lessee up to the conciliation court jurisdiction limits  
40.21 within ~~15~~ 45 days after the owner or lessee serves the verified application.

40.22 (c) The commissioner may pay compensation to owners or lessees that totals not  
40.23 more than \$50,000 per licensee per fiscal year under this accelerated process. The  
40.24 commissioner may prorate the amount of compensation paid to owners or lessees under  
40.25 this subdivision if applications submitted by owners and lessees seek compensation in  
40.26 excess of \$50,000 against a licensee. Any unpaid portion of a verified application that  
40.27 has been prorated under this subdivision shall be satisfied in the manner set forth in  
40.28 subdivision 9.

40.29 Sec. 52. Minnesota Statutes 2006, section 327.32, subdivision 1, is amended to read:

40.30 Subdivision 1. **Requirement.** No person shall sell, or offer for sale, in this state,  
40.31 any manufactured home manufactured after July 1, 1972, manufacture any manufactured  
40.32 home in this state or ~~park~~ install for occupancy any manufactured home manufactured  
40.33 after July 1, 1972, in any manufactured home park in this state unless the manufactured  
40.34 home complies with the Manufactured Home Building Code and:

41.1 (a) Bears a seal issued by the commissioner, and is, whenever possible, accompanied  
41.2 by a certificate by the manufacturer or dealer, both evidencing that it complies with the  
41.3 Manufactured Home Building Code; or

41.4 (b) If manufactured after June 14, 1976, bears a label as required by the secretary.

41.5 Sec. 53. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision  
41.6 to read:

41.7 Subd. 2a. **Construction seal fees.** Replacement manufactured home or accessory  
41.8 structure construction seal fees, including certificates, are \$30 per seal.

41.9 Sec. 54. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision  
41.10 to read:

41.11 Subd. 2b. **Installation seal fees.** Manufactured home installation seal fees,  
41.12 including anchoring and support and including certificates, are \$80.

41.13 Sec. 55. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision  
41.14 to read:

41.15 Subd. 2c. **Temporary installation certificate fees.** A temporary certificate fee  
41.16 is \$2 per certificate.

41.17 Sec. 56. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision  
41.18 to read:

41.19 Subd. 2d. **Label fee.** The United States Department of Housing and Urban  
41.20 Development label fee shall be paid by the manufacturer to the secretary.

41.21 Sec. 57. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision  
41.22 to read:

41.23 Subd. 2e. **Seal order shipping and handling fee.** The shipping and handling fee  
41.24 for each order of seals is the current postage rate plus a \$3 handling fee.

41.25 Sec. 58. Minnesota Statutes 2006, section 327A.04, subdivision 2, is amended to read:

41.26 Subd. 2. **Modification.** At any time after a contract for the sale of a dwelling is  
41.27 entered into by and between a vendor and a vendee or a contract for home improvement  
41.28 work is entered into by and between a home improvement contractor and an owner, any of  
41.29 the statutory warranties provided for in section 327A.02 may be excluded or modified only  
41.30 by a written instrument, printed in boldface type of a minimum size of ten points, which is

42.1 signed by the vendee or the owner and which sets forth in detail the warranty involved, the  
42.2 consent of the vendee or the owner, and the terms of the new agreement contained in the  
42.3 writing. No exclusion or modification shall be effective unless the vendor or the home  
42.4 improvement contractor provides substitute express warranties offering substantially the  
42.5 same protections to the vendee or the owner as the statutory warranties set forth in section  
42.6 327A.02. Any modification or exclusion agreed to by vendee and vendor or the owner and  
42.7 home improvement contractor pursuant to this subdivision shall not require the approval  
42.8 of the commissioner of ~~administration~~ labor and industry pursuant to section 327A.07.

42.9 Sec. 59. Minnesota Statutes 2006, section 327A.07, is amended to read:

42.10 **327A.07 VARIATIONS.**

42.11 The commissioner of ~~administration~~ labor and industry may approve pursuant to  
42.12 sections 14.05 to 14.28, variations from the provisions of sections 327A.02 and 327A.03  
42.13 if the warranty program of the vendor or the home improvement contractor requesting  
42.14 the variation offers at least substantially the same protections to the vendee or owner as  
42.15 provided by the statutory warranties set forth in section 327A.02.

42.16 Sec. 60. Minnesota Statutes 2007 Supplement, section 327B.04, subdivision 4, is  
42.17 amended to read:

42.18 Subd. 4. **License prerequisites.** No application shall be granted nor license issued  
42.19 until the applicant proves to the commissioner that:

42.20 (a) the applicant has a permanent, established place of business at each licensed  
42.21 location. An "established place of business" means a permanent enclosed building other  
42.22 than a residence, or a commercial office space, either owned by the applicant or leased by  
42.23 the applicant for a term of at least one year, located in an area where zoning regulations  
42.24 allow commercial activity, and where the books, records and files necessary to conduct  
42.25 the business are kept and maintained. The owner of a licensed manufactured home park  
42.26 who resides in or adjacent to the park may use the residence as the established place of  
42.27 business required by this subdivision, unless prohibited by local zoning ordinance.

42.28 If a license is granted, the licensee may use unimproved lots and premises for sale,  
42.29 storage, and display of manufactured homes, if the licensee first notifies the commissioner  
42.30 in writing;

42.31 (b) if the applicant desires to sell, solicit or advertise the sale of new manufactured  
42.32 homes, it has a bona fide contract or franchise in effect with a manufacturer or distributor  
42.33 of the new manufactured home it proposes to deal in;

43.1 (c) the applicant has secured: (1) a surety bond in the amount of \$20,000 for ~~the~~  
43.2 each agency and each subagency location that bears the applicant's name and the name  
43.3 under which the applicant will be licensed and do business in this state. Each bond is  
43.4 for the protection of consumer customers, and must be executed by the applicant as  
43.5 principal and issued by a surety company admitted to do business in this state. Each bond  
43.6 shall be exclusively for the purpose of reimbursing consumer customers and shall be  
43.7 conditioned upon the faithful compliance by the applicant with all of the laws and rules  
43.8 of this state pertaining to the applicant's business as a dealer or manufacturer, including  
43.9 sections 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of  
43.10 all its legal obligations to consumer customers; and (2) a certificate of liability insurance  
43.11 in the amount of \$1,000,000 that provides aggregate coverage for the agency and each  
43.12 subagency location;

43.13 (d) the applicant has established a trust account as required by section 327B.08,  
43.14 subdivision 3, unless the applicant states in writing its intention to limit its business to  
43.15 selling, offering for sale, soliciting or advertising the sale of new manufactured homes; and

43.16 (e) the applicant has provided evidence of having had at least two years' prior  
43.17 experience in the sale of manufactured homes, working for a licensed dealer.

43.18 Sec. 61. Minnesota Statutes 2006, section 327B.06, subdivision 1, is amended to read:

43.19 Subdivision 1. **Retention.** A dealer shall retain for ~~three~~ five years copies of all  
43.20 listings, deposit receipts, credit applications, contracts, disclosure forms, canceled checks,  
43.21 trust account records and other documents reasonably related to carrying on the business  
43.22 of a dealer. The retention period shall run from the date of the closing of the transaction or  
43.23 from the date of the listing if the transaction is not consummated.

43.24 Sec. 62. Laws 2007, chapter 140, article 4, section 12, is amended to read:

43.25 Sec. 12. Minnesota Statutes 2006, section 16B.65, is amended to read:

43.26 **16B.65 BUILDING OFFICIALS.**

43.27 Subdivision 1. **Designation.** Each municipality shall designate a building official to  
43.28 administer the code. A municipality may designate no more than one building official  
43.29 responsible for code administration defined by each certification category established in  
43.30 rule. Two or more municipalities may combine in the designation of a building official  
43.31 for the purpose of administering the provisions of the code within their communities.  
43.32 In those municipalities for which no building officials have been designated, the state  
43.33 building official may use whichever state employees are necessary to perform the duties of  
43.34 the building official until the municipality makes a temporary or permanent designation.

44.1 All costs incurred by virtue of these services rendered by state employees must be borne  
44.2 by the involved municipality and receipts arising from these services must be paid to  
44.3 the commissioner.

44.4 Subd. 2. **Qualifications.** A building official, to be eligible for designation, must  
44.5 be certified and have the experience in design, construction, and supervision which  
44.6 the commissioner deems necessary and must be generally informed on the quality and  
44.7 strength of building materials, accepted building construction requirements, and the nature  
44.8 of equipment and needs conducive to the safety, comfort, and convenience of building  
44.9 occupants. No person may be designated as a building official for a municipality unless  
44.10 the commissioner determines that the official is qualified as provided in subdivision 3.

44.11 Subd. 3. **Certification.** The commissioner shall by rule establish certification  
44.12 criteria as proof of qualification pursuant to subdivision 2. The commissioner may:

44.13 (1) develop and administer written and practical examinations to determine if a  
44.14 person is qualified pursuant to subdivision 2 to be a building official;

44.15 (2) accept documentation of successful completion of testing programs developed  
44.16 and administered by nationally recognized testing agencies, as proof of qualification  
44.17 pursuant to subdivision 2; or

44.18 (3) determine qualifications by satisfactory completion of clause (2) and a mandatory  
44.19 training program developed or approved by the commissioner.

44.20 Upon a determination of qualification under clause (1), (2), or (3), the commissioner  
44.21 shall issue a certificate to the building official stating that the official is certified. Each  
44.22 person applying for examination and certification pursuant to this section shall pay a  
44.23 nonrefundable fee of \$70. The commissioner or a designee may establish categories of  
44.24 certification that will recognize the varying complexities of code enforcement in the  
44.25 municipalities within the state. The commissioner shall provide educational programs  
44.26 designed to train and assist building officials in carrying out their responsibilities.

44.27 Subd. 4. **Duties.** Building officials shall, in the municipality for which they  
44.28 are designated, be responsible for all aspects of code administration for which they  
44.29 are certified, including the issuance of all building permits and the inspection of all  
44.30 manufactured home installations. The commissioner may direct a municipality with  
44.31 a building official to perform services for another municipality, and in that event the  
44.32 municipality being served shall pay the municipality rendering the services the reasonable  
44.33 costs of the services. The costs may be subject to approval by the commissioner.

44.34 ~~Subd. 5. **Oversight committee.** (a) The commissioner shall establish a Code~~  
44.35 ~~Administration Oversight Committee that will, at the commissioner's request, recommend~~  
44.36 ~~to the commissioner appropriate action pursuant to section 326B.82, in response to~~

45.1 ~~information received or obtained by the commissioner that supports a finding that: (1)~~  
45.2 ~~an individual has engaged in, or is about to engage in, the unauthorized performance of~~  
45.3 ~~the duties of a certified building official or the unauthorized use of the certified building~~  
45.4 ~~official title; or (2) a certified building official has violated a statute, rule, stipulation,~~  
45.5 ~~agreement, settlement, compliance agreement, cease and desist agreement, or order that~~  
45.6 ~~the commissioner has adopted, issued, or has the authority to enforce and that is related to~~  
45.7 ~~the duties of a certified building official.~~

45.8 ~~(b) The committee shall consist of six members. One member shall be the~~  
45.9 ~~commissioner's designee and five members shall be certified building officials who are~~  
45.10 ~~appointed by the commissioner. At least two of the appointed certified building officials~~  
45.11 ~~must be from nonmetropolitan counties. For the committee members who are not state~~  
45.12 ~~officials or employees, their compensation and removal from the oversight committee is~~  
45.13 ~~governed by section 15.059. The commissioner's designee shall serve as the chair of~~  
45.14 ~~the oversight committee and shall not vote. The terms of the appointed members of the~~  
45.15 ~~oversight committee shall be four years. The terms of three of the appointed members~~  
45.16 ~~shall be coterminous with the governor and the terms of the remaining two appointed~~  
45.17 ~~members shall end on the first Monday in January one year after the terms of the other~~  
45.18 ~~appointed members expire. An appointed member may be reappointed. The committee is~~  
45.19 ~~not subject to the expiration provisions of section 15.059, subdivision 5.~~

45.20 ~~(c) If the commissioner determines that an individual has engaged in the~~  
45.21 ~~unauthorized performance of the duties of a certified building official or the unauthorized~~  
45.22 ~~use of the certified building official title, or that a certified building official has violated a~~  
45.23 ~~statute, rule, stipulation, agreement, settlement, compliance agreement, cease and desist~~  
45.24 ~~agreement, or order that the commissioner has adopted, issued, or is authorized to enforce~~  
45.25 ~~that is related to the duties of a certified building official, the commissioner may take~~  
45.26 ~~administrative actions against the individual pursuant to section 326B.082, subdivisions~~  
45.27 ~~7 and 11.~~

45.28 Subd. 5b. **Grounds.** In addition to the grounds set forth in section 326B.082,  
45.29 subdivision 11, the commissioner may deny, suspend, limit, place conditions on, or  
45.30 revoke a certificate, or may censure an applicant or individual holding a certificate, if the  
45.31 applicant or individual:

45.32 (1) violates a provision of sections 16B.59 to 16B.75 or a rule adopted under those  
45.33 sections; or

45.34 (2) engages in fraud, deceit, or misrepresentation while performing the duties of a  
45.35 certified building official.

46.1 Nothing in this subdivision limits or otherwise affects the authority of a municipality  
46.2 to dismiss or suspend a building official at its discretion, except as otherwise provided  
46.3 for by law.

46.4 Subd. 5c. **Action against unlicensed persons.** The commissioner may take any  
46.5 administrative action provided under section 326B.082, against an individual required  
46.6 to be certified under subdivision 3, based upon conduct that would provide grounds for  
46.7 action against a certificate holder under this section.

46.8 Subd. 6. **Vacancies.** In the event that a designated building official position is  
46.9 vacant within a municipality, that municipality shall designate a certified building official  
46.10 to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy  
46.11 or designation in writing within 15 days. If the municipality fails to designate a certified  
46.12 building official within 15 days of the occurrence of the vacancy, the state building official  
46.13 may provide state employees to serve that function as provided in subdivision 1 until the  
46.14 municipality makes a temporary or permanent designation. Municipalities must not issue  
46.15 permits without a designated certified building official.

46.16 Subd. 7. **Continuing education.** Subject to sections 16B.59 to 16B.75, the  
46.17 commissioner may by rule establish or approve continuing education programs for  
46.18 certified building officials dealing with matters of building code administration, inspection,  
46.19 and enforcement.

46.20 Each person certified as a building official for the state must satisfactorily complete  
46.21 applicable educational programs established or approved by the commissioner to retain  
46.22 certification.

46.23 Subd. 8. **Renewal.** (a) Subject to sections 16B.59 to 16B.76, the commissioner of  
46.24 labor and industry may by rule adopt standards dealing with renewal requirements.

46.25 (b) If the commissioner has not issued a notice of denial of application for a  
46.26 certificate holder and if the certificate holder has properly and timely filed a fully completed  
46.27 renewal application, then the certificate holder may continue to engage in building official  
46.28 activities whether or not the renewed certificate has been received. Applications must be  
46.29 made on a form approved by the commissioner. Each application for renewal must be  
46.30 fully completed, and be accompanied by proof of the satisfactory completion of minimum  
46.31 continuing education requirements and the certification renewal fee established by the  
46.32 commissioner. Applications are timely if received prior to the expiration of the most  
46.33 recently issued certificate. An application for renewal that does not contain all of the  
46.34 information requested is an incomplete application and will not be accepted.

46.35 Subd. 9. **Expiration.** All certificates expire at 11:59:59 p.m. central time on the  
46.36 date of expiration if not properly renewed in accordance with subdivision 8, paragraph (b).

47.1 Subd. 10. **Failure to renew.** An individual who has failed to make a timely  
 47.2 application for renewal of a certificate is not certified and must not serve as the designated  
 47.3 building official for any municipality until a renewed certificate has been issued by the  
 47.4 commissioner.

47.5 **EFFECTIVE DATE.** This section is effective July 1, 2007.

47.6 Sec. 63. **REVISOR'S INSTRUCTION.**

47.7 (a) The revisor of statutes shall renumber each section of Minnesota Statutes listed  
 47.8 in column A with the number listed in column B. The revisor shall also make necessary  
 47.9 cross-reference changes consistent with the renumbering.

	<u>Column A</u>	<u>Column B</u>
47.10	<u>16B.655</u>	<u>326B.135</u>
47.11	<u>326.01, subdivision 4a</u>	<u>326B.31, subdivision 4a</u>
47.12	<u>326.01, subdivision 4b</u>	<u>326B.31, subdivision 4b</u>
47.13	<u>326.01, subdivision 4c</u>	<u>326B.31, subdivision 4c</u>
47.14	<u>326.01, subdivision 4d</u>	<u>326B.31, subdivision 4d</u>
47.15	<u>326.01, subdivision 4e</u>	<u>326B.31, subdivision 4e</u>
47.16	<u>326.01, subdivision 7</u>	<u>326B.42, subdivision 5</u>
47.17	<u>326.01, subdivision 8</u>	<u>326B.42, subdivision 6</u>
47.18	<u>326.3705</u>	<u>326B.435</u>
47.19	<u>326.371</u>	<u>326B.439</u>
47.20	<u>326.401</u>	<u>326B.474</u>
47.21	<u>326.402</u>	<u>326B.475</u>
47.22	<u>326.505</u>	<u>326B.925</u>
47.23		

47.24 (b) Notwithstanding the repeal of Minnesota Statutes 2006, section 16B.76, in Laws  
 47.25 2007, chapter 133, article 2, section 13, the revisor shall give effect to the revisor's  
 47.26 instruction in Laws 2007, chapter 140, article 4, section 61, to renumber Minnesota  
 47.27 Statutes, section 16B.76, as section 326B.07, by including the language of Minnesota  
 47.28 Statutes, section 16B.76, as amended by Laws 2007, chapter 140, article 4, section 27,  
 47.29 in Minnesota Statutes, section 326B.07.

47.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

47.31 Sec. 64. **REPEALER.**

47.32 Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement,  
 47.33 sections 326.2411; 326.372; and 326.471; Laws 2007, chapter 9, section 1; Laws 2007,  
 47.34 chapter 135, article 4, sections 2; 8; Laws 2007, chapter 135, article 6, section 3; Laws  
 47.35 2007, chapter 140, article 12, section 9; and Minnesota Rules, part 3800.3510, are repealed.