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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3765

1.1 A bill for an act
1.2 relating to labor and industry; modifying backflow rebuilder designations; amending
1.3 Minnesota Statutes 2022, sections 326B.42, subdivisions 1b, 1c; 326B.437;
1.4 326B.46, subdivisions 1, 2.

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

1.6 Section 1. Minnesota Statutes 2022, section 326B.42, subdivision 1b, is amended to read:

1.7 Subd. 1b. **Backflow prevention rebuilder.** A "backflow prevention rebuilder" is an
1.8 individual who is qualified by training prescribed by the Plumbing Board ~~and possesses a~~
1.9 ~~master or journeyworker plumber's license~~ to engage in the testing, maintenance, and
1.10 rebuilding of ~~reduced pressure zone type~~ backflow prevention assemblies as regulated by
1.11 the Plumbing Code.

1.12 Sec. 2. Minnesota Statutes 2022, section 326B.42, subdivision 1c, is amended to read:

1.13 Subd. 1c. **Backflow prevention tester.** A "backflow prevention tester" is an individual
1.14 who is qualified by training prescribed by the Plumbing Board to engage in the testing of
1.15 ~~reduced pressure zone type~~ backflow prevention assemblies as regulated by the Plumbing
1.16 Code.

1.17 Sec. 3. Minnesota Statutes 2022, section 326B.437, is amended to read:

1.18 **326B.437 REDUCED-PRESSURE BACKFLOW PREVENTION REBUILDERS**
1.19 **AND TESTERS.**

1.20 (a) No person shall perform or offer to perform the installation, ~~maintenance, repair, or~~
1.21 replacement, ~~or rebuilding~~ of ~~reduced pressure zone~~ backflow prevention assemblies unless

2.1 the person obtains a plumbing contractor's license. An individual shall not engage in the
 2.2 ~~testing~~, maintenance, repair, or rebuilding of ~~reduced-pressure-zone~~ backflow prevention
 2.3 assemblies, as regulated by the Plumbing Code, unless the individual is certified by the
 2.4 commissioner as a backflow prevention rebuilder.

2.5 (b) An individual shall not engage in testing of a ~~reduced-pressure-zone~~ backflow
 2.6 prevention assembly, as regulated by the Plumbing Code, unless the individual possesses
 2.7 a backflow prevention rebuilder certificate or is certified by the commissioner as a backflow
 2.8 prevention tester.

2.9 (c) Certificates are issued for an initial period of two years and must be renewed every
 2.10 two years thereafter for as long as the certificate holder ~~installs~~, maintains, repairs, rebuilds,
 2.11 or tests ~~reduced-pressure-zone~~ backflow prevention assemblies. For purposes of calculating
 2.12 fees under section 326B.092, an initial or renewed backflow prevention rebuilder or tester
 2.13 certificate shall be considered an entry level license.

2.14 ~~(d) The Plumbing Board shall adopt expedited rules under section 14.389 that are related~~
 2.15 ~~to the certification of backflow prevention rebuilders and backflow prevention testers.~~
 2.16 ~~Section 326B.13, subdivision 8, does not apply to these rules. Notwithstanding the 18-month~~
 2.17 ~~limitation under section 14.125, this authority expires on December 31, 2014.~~

2.18 ~~(e) The department shall recognize certification programs that are a minimum of 16~~
 2.19 ~~contact hours and include the passage of an examination. The examination must consist of~~
 2.20 ~~a practical and a written component. This paragraph expires when the Plumbing Board~~
 2.21 ~~adopts rules under paragraph (d).~~

2.22 Sec. 4. Minnesota Statutes 2022, section 326B.46, subdivision 1, is amended to read:

2.23 Subdivision 1. **License required.** (a) No individual shall engage in or work at the business
 2.24 of a master plumber, restricted master plumber, journeyworker plumber, and restricted
 2.25 journeyworker plumber unless licensed to do so by the commissioner. A license is not
 2.26 required for individuals performing building sewer or water service installation who have
 2.27 completed pipe laying training as prescribed by the commissioner. A license is not required
 2.28 for individuals performing backflow prevention testing or rebuilding who have completed
 2.29 backflow prevention tester or rebuilder training, respectively, as prescribed by the
 2.30 commissioner and have been certified by the commissioner. A license is not required for
 2.31 individuals servicing or installing a commercial chemical dispensing system or servicing
 2.32 or replacing a commercial dishwashing machine, including connecting a commercial chemical
 2.33 dispensing system or commercial dishwashing machine to a water line or drain line, provided
 2.34 that:

3.1 (1) the individual servicing or installing the commercial chemical dispensing system or
3.2 servicing or replacing the commercial dishwashing machine is an employee of the
3.3 manufacturer or distributor of the commercial chemical dispensing system or commercial
3.4 dishwashing machine;

3.5 (2) the individual servicing or installing the commercial chemical dispensing system or
3.6 servicing or replacing the commercial dishwashing machine has a minimum of 25 hours of
3.7 classroom or laboratory training, a minimum of 20 hours of in-field training with a qualified
3.8 technician on the types of systems being installed, followed by a minimum of 100 hours of
3.9 supervised field experience. The training and experience curriculum required under this
3.10 clause must be approved by the commissioner, in consultation with the manufacturer or
3.11 distributor, but the commissioner shall not require training or experience hours in excess
3.12 of the amounts specified in this clause;

3.13 (3) the manufacturer or distributor of the commercial chemical dispensing system or
3.14 commercial dishwashing machine must meet the insurance requirements of section 326B.46,
3.15 subdivision 2, paragraph (c);

3.16 (4) the connection is a push fit fitting, compression fitting, or threaded pipe fitting to an
3.17 existing water line or drain, which has been initially installed by a licensed plumber; and

3.18 (5) the commercial chemical dispensing system complies with ASSE 1055 or contains
3.19 code-approved integral backflow protection.

3.20 A master plumber may also work as a journeyworker plumber, a restricted journeyworker
3.21 plumber, and a restricted master plumber. A journeyworker plumber may also work as a
3.22 restricted journeyworker plumber. Anyone not so licensed may do plumbing work which
3.23 complies with the provisions of the minimum standards prescribed by the Plumbing Board
3.24 on premises or that part of premises owned and actually occupied by the worker as a
3.25 residence, unless otherwise forbidden to do so by a local ordinance.

3.26 (b) No person shall engage in the business of planning, superintending, or installing
3.27 plumbing or shall install plumbing in connection with the dealing in and selling of plumbing
3.28 material and supplies unless at all times a licensed master plumber, or in cities and towns
3.29 with a population of fewer than 5,000 according to the last federal census, a restricted master
3.30 plumber, who shall be responsible for proper installation, is in charge of the plumbing work
3.31 of the person.

3.32 (c) Except as provided in subdivision 1a, no person shall perform or offer to perform
3.33 plumbing work with or without compensation unless the person obtains a contractor's license.
3.34 A contractor's license does not of itself qualify its holder to perform the plumbing work

4.1 authorized by holding a master, journeyworker, restricted master, or restricted journeyworker
4.2 license.

4.3 Sec. 5. Minnesota Statutes 2022, section 326B.46, subdivision 2, is amended to read:

4.4 Subd. 2. **Bond; insurance.** (a) The bond and insurance requirements of paragraphs (b)
4.5 and (c) apply to each person who performs or offers to perform plumbing work within the
4.6 state, including any person who offers to perform or performs sewer or water service
4.7 installation or backflow prevention testing or rebuilding without a contractor's license. If
4.8 the person performs or offers to perform any plumbing work other than sewer or water
4.9 service installation or backflow prevention testing or rebuilding, then the person must meet
4.10 the requirements of paragraphs (b) and (c) as a condition of holding a contractor's license.

4.11 (b) Each person who performs or offers to perform plumbing work within the state shall
4.12 give and maintain bond to the state in the penal sum of at least \$25,000 for (1) all plumbing
4.13 work entered into within the state or (2) all plumbing work and subsurface sewage treatment
4.14 work entered into within the state. The bond must comply with section 326B.0921. If the
4.15 bond is for both plumbing work and subsurface sewage treatment work, the bond must
4.16 comply with the requirements of this section and section 115.56, subdivision 2, paragraph
4.17 (e).

4.18 (c) Each person who performs or offers to perform plumbing work within the state shall
4.19 have and maintain in effect public liability insurance, including products liability insurance
4.20 with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage
4.21 insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed
4.22 to do business in the state of Minnesota. Each person who performs or offers to perform
4.23 plumbing work within the state shall maintain on file with the commissioner a certificate
4.24 evidencing the insurance. In the event of a policy cancellation, the insurer shall send written
4.25 notice to the commissioner at the same time that a cancellation request is received from or
4.26 a notice is sent to the insured.