

1.1 A bill for an act

1.2 relating to labor and industry; modifying licensing provisions; imposing and
1.3 modifying certain license fees; amending Minnesota Statutes 2008, sections
1.4 326B.133, subdivisions 1, 3, 8, 11, by adding subdivisions; 326B.197; 326B.33,
1.5 subdivisions 18, 20, 21; 326B.42, by adding subdivisions; 326B.43, subdivision
1.6 2; 326B.44; 326B.46, as amended; 326B.47; 326B.475, subdivision 2; 326B.50,
1.7 by adding subdivisions; 326B.54; 326B.55, as amended if enacted; 326B.56, as
1.8 amended; 326B.805, subdivision 6; 326B.83, subdivisions 1, 3, 6; 326B.865;
1.9 326B.921, subdivisions 2, 4, 7; 326B.922; 326B.978, subdivision 2, by adding
1.10 a subdivision; 327B.04, subdivision 2; Minnesota Statutes 2009 Supplement,
1.11 sections 326B.33, subdivision 19; 326B.475, subdivision 4; 326B.49, subdivision
1.12 1; 326B.58; 326B.815, subdivision 1; 326B.86, subdivision 1; 326B.94,
1.13 subdivision 4; 326B.986, subdivision 5; 327B.04, subdivisions 7, 7a, 8;
1.14 327B.041; proposing coding for new law in Minnesota Statutes, chapter 326B;
1.15 repealing Minnesota Statutes 2008, sections 326B.133, subdivisions 9, 10;
1.16 326B.37, subdivision 13; 326B.475, subdivisions 5, 6; 326B.56, subdivision 3;
1.17 326B.885, subdivisions 3, 4; 326B.976; Minnesota Statutes 2009 Supplement,
1.18 section 326B.56, subdivision 4; Minnesota Rules, parts 1301.0500; 1301.0900;
1.19 1301.1100, subparts 2, 3, 4; 1350.7200, subpart 3; 1350.8000, subpart 2.

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

1.21 Section 1. **[326B.091] DEFINITIONS.**

1.22 Subdivision 1. **Applicability.** For purposes of sections 326B.091 to 326B.098, the
1.23 terms defined in this section have the meanings given them.

1.24 Subd. 2. **Applicant.** "Applicant" means a person who has submitted to the
1.25 department an application for a license.

1.26 Subd. 3. **License.** "License" means any registration, certification, or other form
1.27 of approval authorized by chapters 326B and 327B to be issued by the commissioner
1.28 or department as a condition of doing business or conducting a trade, profession,
1.29 or occupation in Minnesota. License includes specifically but not exclusively an
1.30 authorization issued by the commissioner or department: to perform electrical work,

2.1 plumbing or water conditioning work, high pressure piping work, or residential building
2.2 work of a residential contractor, residential remodeler, or residential roofer; to install
2.3 manufactured housing; to serve as a building official; or to operate a boiler or boat.

2.4 Subd. 4. **Licensee.** "Licensee" means the person named on the license as the person
2.5 authorized to do business or conduct the trade, profession, or occupation in Minnesota.

2.6 Subd. 5. **Notification date.** "Notification date" means the date of the written
2.7 notification from the department to an applicant that the applicant is qualified to take the
2.8 examination required for licensure.

2.9 Subd. 6. **Renewal deadline.** "Renewal deadline," when used with respect to a
2.10 license, means 30 days before the date that the license expires.

2.11 Sec. 2. **[326B.092] FEES.**

2.12 Subdivision 1. **Licenses requiring examination administered by commissioner.**

2.13 (a) If the applicant for a license must pass an examination administered by the
2.14 commissioner in order to obtain the license, then the application for the initial license
2.15 must be accompanied by an application and examination fee of \$60, which is separate
2.16 from the license fee. The license fee is due after the applicant passes the examination
2.17 and before the license is issued.

2.18 (b) If the applicant for a Minnesota license holds a license in another state and
2.19 is seeking Minnesota licensure without examination based on reciprocity, then the
2.20 application for the Minnesota license must be accompanied by the application and
2.21 examination fee of \$60, which is separate from the license fee. If the commissioner
2.22 approves the application, then the license fee is due before the license is issued.

2.23 Subd. 2. **Licenses not requiring examination administered by commissioner.**

2.24 If the applicant for a license is not required to pass an examination in order to obtain the
2.25 license, or is required to pass an examination that is not administered by the commissioner,
2.26 then the license fee must accompany the application for the license. If the application is
2.27 for a license issued under sections 326B.802 to 326B.885 and is not an application for
2.28 license renewal, then the contractor recovery fund fee required under section 326B.89,
2.29 subdivision 3, is due after the department has determined that the applicant meets the
2.30 qualifications for licensing and before the license is issued.

2.31 Subd. 3. **Late fee.** The department must receive a complete application for license
2.32 renewal by the renewal deadline but not more than 90 days before the renewal deadline. If
2.33 the department receives a renewal application after the expiration of the license, then the
2.34 renewal application must be accompanied by a late fee equal to one-half of the license
2.35 renewal fee; except that, for the purpose of calculating the late fee only, the license

3.1 renewal fee shall not include any contractor recovery fund fee required by section
3.2 326B.89, subdivision 3.

3.3 Subd. 4. **Lapsed licensed fee.** If the department receives a renewal application
3.4 within two years after expiration of the license, the renewal application must be
3.5 accompanied by all license renewal fees to cover the period that the license was expired,
3.6 plus the late fee described in subdivision 3 and the license renewal fee for the current
3.7 renewal period.

3.8 Subd. 5. **Insufficient fees.** If the applicant does not include all required fees with
3.9 the application, then the application will be incomplete and the department will notify the
3.10 applicant of the amount of the deficiency.

3.11 Subd. 6. **Fees nonrefundable.** Application and examination fees, license fees,
3.12 license renewal fees, and late fees are nonrefundable except for:

3.13 (1) license renewal fees received more than two years after expiration of the license,
3.14 as described in section 326B.094, subdivision 2;

3.15 (2) any overpayment of fees; and

3.16 (3) if the license is not renewed, the contractor recovery fund fee and any additional
3.17 assessment paid under subdivision 7, paragraph (e).

3.18 Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license
3.19 except a renewed license shall be the base license fee plus any applicable board fee, as
3.20 set forth in this subdivision. The license renewal fee for each renewed license is the
3.21 base license fee plus any applicable board fee, continuing education fee, and contractor
3.22 recovery fund fee and additional assessment, as set forth in this subdivision.

3.23 (b) For purposes of this section, "license duration" means the number of years for
3.24 which the license is issued except that:

3.25 (1) if the initial license is not issued for a whole number of years, the license duration
3.26 shall be rounded up to the next whole number; and

3.27 (2) if the department receives an application for license renewal after the renewal
3.28 deadline, license duration means the number of years for which the renewed license would
3.29 have been issued if the renewal application had been submitted on time and all other
3.30 requirements for renewal had been met.

3.31 (c) The base license fee shall depend on whether the license is classified as an entry
3.32 level, master, journeyman, or business license, and on the license duration. The base
3.33 license fee shall be:

<u>License Classification</u>	<u>License Duration</u>		
	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>
<u>Entry level</u>	<u>\$10</u>	<u>\$20</u>	<u>\$30</u>

4.1	<u>Journeyman</u>	<u>\$20</u>	<u>\$40</u>	<u>\$60</u>
4.2	<u>Master</u>	<u>\$50</u>	<u>\$100</u>	<u>\$150</u>
4.3	<u>Business</u>	<u>\$100</u>	<u>\$200</u>	<u>\$300</u>

4.4 (d) If there is a continuing education requirement for renewal of the license, then
4.5 a continuing education fee must be included in the renewal license fee. The continuing
4.6 education fee for all license classifications shall be: \$10 if the renewal license duration is
4.7 one year; \$20 if the renewal license duration is two years; and \$30 if the renewal license
4.8 duration is three years.

4.9 (e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to
4.10 326B.93, then a board fee must be included in the license fee and the renewal license fee.
4.11 The board fee for all license classifications shall be: \$4 if the license duration is one year;
4.12 \$8 if the license duration is two years; and \$12 if the license duration is three years.

4.13 (f) If the application is for the renewal of a license issued under sections 326B.802
4.14 to 326B.885, then the contractor recovery fund fee required under section 326B.89,
4.15 subdivision 3, and any additional assessment required under section 326B.89, subdivision
4.16 16, must be included in the license renewal fee.

4.17 **Sec. 3. [326B.093] LICENSES REQUIRING EXAMINATION ADMINISTERED**
4.18 **BY COMMISSIONER.**

4.19 Subdivision 1. **Qualifications for examination.** If the applicant for a license must
4.20 pass an examination administered by the commissioner in order to obtain the license, then
4.21 the applicant's complete application must demonstrate that the applicant is qualified to
4.22 take the examination. The applicant is qualified to take the examination if the applicant
4.23 meets all requirements for the license except for passing the examination.

4.24 Subd. 2. **Not qualified for examination.** If the applicant is not qualified to take
4.25 the examination, then the commissioner must deny the application. The applicant may
4.26 subsequently submit another application, accompanied by the required fee.

4.27 Subd. 3. **Taking the examination.** If the applicant is qualified to take the
4.28 examination, then the department must notify the applicant, and the applicant may
4.29 schedule a time to take the examination within one year after the notification date. If the
4.30 applicant does not take the examination at the scheduled time, the applicant may, one
4.31 time only, reschedule a time to take the examination on a date within one year after the
4.32 notification date. If the applicant fails to take the examination within one year after the
4.33 notification date, the commissioner must deny the application and the applicant forfeits the
4.34 application/examination fee. The applicant may subsequently submit another application,
4.35 accompanied by the required application/examination fee.

5.1 Subd. 4. **Examination results.** If the applicant receives a passing score on the
5.2 examination and meets all other requirements for licensure, the commissioner must
5.3 approve the application and notify the applicant of the approval within 60 days of the date
5.4 of the passing score. The applicant must, within 90 days after the notification of approval,
5.5 pay the license fee. Upon receipt of the license fee, the commissioner must issue the
5.6 license. If the applicant does not pay the license fee within 90 days after the notification
5.7 of approval, the commissioner will rescind the approval and must deny the application.
5.8 If the applicant does not receive a passing score on the examination, the commissioner
5.9 must deny the application. If the application is denied because of the applicant's failure
5.10 to receive a passing score on the examination, then the applicant cannot submit a new
5.11 application for the license until at least 30 days after the notification of denial.

5.12 Sec. 4. **[326B.094] RENEWAL OF LICENSES.**

5.13 Subdivision 1. **Expiration of licenses.** Unless and until the department or
5.14 commissioner issues a renewal of a license, the license expires on the expiration date
5.15 printed on the license. While the license is expired, the licensee cannot perform the
5.16 activities authorized by the license.

5.17 Subd. 2. **Availability of renewal.** A licensee may apply to renew a license no later
5.18 than two years after the expiration of the license. If the department receives a complete
5.19 renewal application no later than two years after the expiration of the license, then the
5.20 department must approve or deny the renewal application within 60 days of receiving the
5.21 complete renewal application. If the department receives a renewal application more than
5.22 two years after the expiration of the license, the department must return the renewal
5.23 license fee to the applicant without approving or denying the application. If the licensee
5.24 wishes to obtain a valid license more than two years after expiration of the license, the
5.25 licensee must apply for a new license.

5.26 Subd. 3. **Deadline for avoiding license expiration.** The department must receive
5.27 a complete application to renew a license no later than the renewal deadline. If the
5.28 department does not receive a complete application by the renewal deadline, the license
5.29 may expire before the department has either approved or denied the renewal application.

5.30 Sec. 5. **[326B.095] INCOMPLETE LICENSE APPLICATIONS.**

5.31 This section applies to both applications for initial licenses and license renewal
5.32 applications. If the department determines that an application is incomplete, the
5.33 department must notify the applicant of the deficiencies that must be corrected in
5.34 order to complete the application. If the applicant wishes to complete the application,

6.1 the department must receive the completed application within 90 days after the date
6.2 the department mailed or delivered the incomplete application to the applicant. If the
6.3 department does not receive the completed application by this deadline, the commissioner
6.4 must deny the application and the applicant will forfeit all fees except as provided
6.5 in section 326B.092, subdivision 6. If the application is for license renewal and the
6.6 department receives the corrected application after the license has expired, then the
6.7 corrected application must be accompanied by the late fee.

6.8 Sec. 6. **[326B.096] REINSTATEMENT OF LICENSES.**

6.9 Subdivision 1. **Reinstatement after revocation.** (a) If a license is revoked under
6.10 this chapter and if an applicant for a license needs to pass an examination administered by
6.11 the commissioner before becoming licensed, then, in order to have the license reinstated,
6.12 the person who holds the revoked license must:

6.13 (1) retake the examination and achieve a passing score; and

6.14 (2) meet all other requirements for an initial license, including payment of the
6.15 application and examination fee and the license fee. The person holding the revoked
6.16 license is not eligible for Minnesota licensure without examination based on reciprocity.

6.17 (b) If a license is revoked under a chapter other than this chapter, then, in order to
6.18 have the license reinstated, the person who holds the revoked license must:

6.19 (1) apply for reinstatement to the commissioner no later than two years after the
6.20 effective date of the revocation;

6.21 (2) pay a \$100 reinstatement application fee and any applicable renewal license
6.22 fee; and

6.23 (3) meet all applicable requirements for licensure, except that, unless required by the
6.24 order revoking the license, the applicant does not need to retake any examination and does
6.25 not need to repay a license fee that was paid before the revocation.

6.26 Subd. 2. **Reinstatement after suspension.** If a license is suspended, then, in order
6.27 to have the license reinstated, the person who holds the suspended license must:

6.28 (1) apply for reinstatement to the commissioner no later than two years after the
6.29 completion of the suspension period;

6.30 (2) pay a \$100 reinstatement application fee and any applicable renewal license
6.31 fee; and

6.32 (3) meet all applicable requirements for licensure, except that, unless required by the
6.33 order suspending the license, the applicant does not need to retake any examination and
6.34 does not need to repay a license fee that was paid before the suspension.

7.1 Subd. 3. **Reinstatement after voluntary termination.** A licensee who is not an
7.2 individual may voluntarily terminate a license issued to the person under this chapter. If a
7.3 licensee has voluntarily terminated a license under this subdivision, then, in order to have
7.4 the license reinstated, the person who holds the terminated license must:

7.5 (1) apply for reinstatement to the commissioner no later than the date that the license
7.6 would have expired if it had not been terminated;

7.7 (2) pay a \$100 reinstatement application fee and any applicable renewal license
7.8 fee; and

7.9 (3) meet all applicable requirements for licensure, except that the applicant does not
7.10 need to repay a license fee that was paid before the termination.

7.11 **Sec. 7. [326B.097] PROHIBITION OF TRANSFER.**

7.12 A licensee shall not transfer or sell any license.

7.13 **Sec. 8. [326B.098] CONTINUING EDUCATION.**

7.14 Subdivision 1. **Applicability.** This section applies to seminars offered by
7.15 the department for the purpose of allowing licensees to meet continuing education
7.16 requirements for license renewal.

7.17 Subd. 2. **Rescheduling.** An individual who is registered with the department to
7.18 attend a seminar may reschedule one time only, to attend the same seminar on a date
7.19 within one year after the date of the seminar the individual was registered to attend.

7.20 Subd. 3. **Fees nonrefundable.** All seminar fees paid to the department are
7.21 nonrefundable except for any overpayment of fees.

7.22 **Sec. 9.** Minnesota Statutes 2008, section 326B.133, subdivision 1, is amended to read:

7.23 **Subdivision 1. **Designation.**** Each municipality shall designate a building official to
7.24 administer the code. A municipality may designate no more than one building official
7.25 responsible for code administration defined by each certification category ~~established in~~
7.26 ~~rule~~ created by statute or rule. Two or more municipalities may combine in the designation
7.27 of a building official for the purpose of administering the provisions of the code within
7.28 their communities. In those municipalities for which no building officials have been
7.29 designated, the state building official may use whichever state employees are necessary to
7.30 perform the duties of the building official until the municipality makes a temporary or
7.31 permanent designation. All costs incurred by virtue of these services rendered by state
7.32 employees must be borne by the involved municipality and receipts arising from these
7.33 services must be paid to the commissioner.

S.F. No. 2510, as introduced - 86th Legislative Session (2009-2010) [10-4267]

8.1 Sec. 10. Minnesota Statutes 2008, section 326B.133, is amended by adding a
8.2 subdivision to read:

8.3 Subd. 2a. **Application; renewal; fees; expiration.** (a) An applicant for certification
8.4 shall submit a completed application on a form approved by the commissioner to the
8.5 department. The commissioner shall review applications for compliance with the
8.6 requirements established by rule.

8.7 (b) Application for initial certification or renewal certification as a building official,
8.8 building official-limited, or accessibility specialist shall be according to this section and
8.9 sections 326B.092 to 326B.095.

8.10 (c) Fees shall be paid to the department according to section 326B.092.

8.11 (d) Unless revoked or suspended under this chapter, all certifications issued or
8.12 renewed under this section expire two years from the date of original issuance and every
8.13 two years thereafter.

8.14 Sec. 11. Minnesota Statutes 2008, section 326B.133, subdivision 3, is amended to read:

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

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

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

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

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

8.32 Sec. 12. Minnesota Statutes 2008, section 326B.133, is amended by adding a
8.33 subdivision to read:

9.1 Subd. 3a. **Certification categories.** (a) If a municipality has adopted or adopts
9.2 the State Building Code, the responsibilities for code administration and enforcement
9.3 are under the authority of its designated building official or the certified building
9.4 official-limited.

9.5 (b) Certified building official. This certification is identified as "certified building
9.6 official" on the certificate card. This certification is granted to an individual who has met
9.7 the certified building official requirements established by rule and passed the written
9.8 examination prepared by the state. A person with this certification may serve as the
9.9 designated building official for any municipality. For the purposes of calculating fees
9.10 under section 326B.092, certification as a building official is a master license.

9.11 (c) Certified building official-limited. This certification is identified as "certified
9.12 building official-limited" on the certification card. This certification is granted to an
9.13 individual who has met the certified building official-limited requirements established by
9.14 rule and passed the written examination prepared by the state. An individual with this
9.15 certification may perform code administration for one- and two-family dwellings, their
9.16 accessory structures, and "exempt classes of buildings" as provided in Minnesota Rules,
9.17 part 1800.5000, of the Board of Architecture, Engineering, Land Surveying, Landscape
9.18 Architecture, Geoscience, and Interior Design, and "facilities for persons with physical
9.19 disabilities" that are governed by the State Building Code. Subject to the limitations of the
9.20 building official-limited certification, an individual with this certification may serve as
9.21 the designated building official for any municipality. Code administration for all other
9.22 buildings must be performed by a certified building official as defined in paragraph (a). A
9.23 certified building official-limited may conduct inspections for other structures regulated
9.24 by the State Building Code under the direction of a designated certified building official or
9.25 the state building official.

9.26 Subject to all other certification requirements, as of January 1, 2012, valid Class I
9.27 certifications shall be included in the certified building official-limited category upon the
9.28 next immediate renewal. For the purposes of calculating fees under section 326B.092,
9.29 certification as a building official-limited is a journeyman license.

9.30 (d) Accessibility specialist. This certification is identified as accessibility specialist
9.31 on the certification card. This certification is granted to an individual who has met
9.32 the "accessibility specialist" requirements established by rule and passed the written
9.33 examination prepared by the state. An individual with this classification is limited to the
9.34 administration of those provisions of the State Building Code that provide access for
9.35 persons with disabilities. For the purposes of calculating fees under section 326B.092,
9.36 certification as an accessibility specialist is a journeyman license.

S.F. No. 2510, as introduced - 86th Legislative Session (2009-2010) [10-4267]

10.1 Sec. 13. Minnesota Statutes 2008, section 326B.133, subdivision 8, is amended to read:

10.2 Subd. 8. **Continuing education requirements; extension of time.** (a) This
10.3 subdivision establishes the number of continuing education units required within each
10.4 two-year certification period.

10.5 A certified building official shall accumulate 16 continuing education units in any
10.6 education program that is approved under Minnesota Rules, part 1301.1000.

10.7 A certified building official-limited shall, in each year of the initial two-year
10.8 certification period, accumulate eight continuing education units in any education program
10.9 that is approved under Minnesota Rules, part 1301.1000. Continuing education units
10.10 shall be reported annually during the initial two-year certification period by the method
10.11 established in rule. A certified building official-limited shall accumulate 16 continuing
10.12 education units for each two-year certification period thereafter in any education program
10.13 that is approved under Minnesota Rules, part 1301.1000.

10.14 An accessibility specialist must accumulate four continuing education units in any
10.15 of the programs described in Minnesota Rules, part 1301.1000, subpart 1 or 2. The four
10.16 units must be for courses relating to building accessibility, plan review, field inspection,
10.17 or building code administration.

10.18 Continuing education programs may be approved as established in rule.

10.19 (b) Subject to sections 326B.101 to 326B.194, the commissioner may by rule
10.20 establish or approve continuing education programs for certified building officials dealing
10.21 with matters of building code administration, inspection, and enforcement.

10.22 Each person certified as a building official for the state must satisfactorily complete
10.23 applicable educational programs established or approved by the commissioner to ~~retain~~
10.24 renew certification.

10.25 (c) The state building official may grant an extension of time to comply with
10.26 continuing education requirements if the certificate holder requesting the extension of
10.27 time shows cause for the extension. The request for the extension must be in writing. For
10.28 purposes of this section, the certificate holder's current certification effective dates shall
10.29 remain the same. The extension does not relieve the certificate holder from complying
10.30 with the continuing education requirements for the next two-year period.

10.31 Sec. 14. Minnesota Statutes 2008, section 326B.133, subdivision 11, is amended to
10.32 read:

10.33 Subd. 11. **Failure to renew.** An individual who has failed to make a timely
10.34 application for renewal of a certificate is not certified and must not serve as the designated
10.35 building official for any municipality, or a certified building official, a certified building

11.1 official-limited, or an accessibility specialist until a renewed certificate has been issued by
11.2 the commissioner.

11.3 Sec. 15. Minnesota Statutes 2008, section 326B.197, is amended to read:

11.4 **326B.197 BOND REQUIRED FOR CERTAIN CONTRACTORS.**

11.5 (a) A person contracting to do gas, heating, ventilation, cooling, air conditioning,
11.6 fuel burning, or refrigeration work must give and maintain bond to the state in the amount
11.7 of \$25,000 for all work entered into within the state. The bond must be for the benefit of
11.8 persons suffering financial loss by reason of the contractor's failure to comply with the
11.9 requirements of the State Mechanical Code. A bond given to the state must be filed with
11.10 the commissioner of labor and industry and is in lieu of all other bonds to any political
11.11 subdivision required for work covered by this section. The bond must be written by a
11.12 corporate surety licensed to do business in the state.

11.13 (b) The commissioner of labor and industry may charge each person giving bond
11.14 under this section ~~an annual~~ a biennial bond filing fee of ~~\$15~~ \$100.

11.15 Sec. 16. Minnesota Statutes 2008, section 326B.33, subdivision 18, is amended to read:

11.16 Subd. 18. **Examination.** In addition to the other requirements described in this
11.17 section and sections 326B.091 to 326B.098, and except as provided in subdivision 20, as a
11.18 precondition to issuance of a personal license, each applicant must pass a written or oral
11.19 examination developed and administered by the commissioner to ensure the competence of
11.20 each applicant for license. An oral examination shall be administered only to an applicant
11.21 who furnishes a written statement from a certified teacher or other professional, trained in
11.22 the area of reading disabilities stating that the applicant has a specific reading disability
11.23 which would prevent the applicant from performing satisfactorily on a written test. The
11.24 oral examination shall be structured so that an applicant who passes the examination
11.25 will not impair the applicant's own safety or that of others while acting as a licensed
11.26 individual. ~~No individual failing an examination may retake it for six months thereafter,~~
11.27 ~~but within such six months the individual may take an examination for a lesser grade of~~
11.28 ~~license. Any individual failing to renew a personal license for two years or more after its~~
11.29 ~~expiration, and any licensee whose personal license is revoked under this chapter, shall~~
11.30 ~~be required to retake the examination before being issued a new license. An individual~~
11.31 ~~whose personal license is revoked under any other chapter is not required to retake the~~
11.32 ~~examination before being issued a new license, unless the personal license was revoked~~
11.33 ~~two years or more before the commissioner received the completed application for a new~~
11.34 ~~license. A licensee whose personal license is suspended for any reason is not required to~~

S.F. No. 2510, as introduced - 86th Legislative Session (2009-2010) [10-4267]

12.1 ~~retake the examination before the personal license is reinstated, unless the personal license~~
12.2 ~~has not been reinstated within two years after the suspension began.~~

12.3 ~~An applicant for a personal license shall submit to the commissioner an application~~
12.4 ~~and examination fee at the time of application. Upon approval of the application, the~~
12.5 ~~commissioner shall schedule the applicant for the next available examination, which shall~~
12.6 ~~be held within 60 days. The applicant shall be allowed one opportunity to reschedule~~
12.7 ~~an examination without being required to submit another application and examination~~
12.8 ~~fee. Additionally, an applicant who fails an examination, or whose application was not~~
12.9 ~~approved, shall submit another application and examination fee.~~

12.10 Sec. 17. Minnesota Statutes 2009 Supplement, section 326B.33, subdivision 19,
12.11 is amended to read:

12.12 Subd. 19. **License, registration, and renewal fees; expiration.** (a) Unless
12.13 revoked or suspended under this chapter, all licenses issued or renewed under this section
12.14 expire on the date specified in this subdivision. Master licenses expire March 1 of each
12.15 odd-numbered year after issuance or renewal. Electrical contractor licenses expire March
12.16 1 of each even-numbered year after issuance or renewal. Technology system contractor
12.17 licenses expire August 1 of each even-numbered year after issuance or renewal. All
12.18 other personal licenses expire two years from the date of original issuance and every two
12.19 years thereafter. Registrations of unlicensed individuals expire one year from the date of
12.20 original issuance and every year thereafter.

12.21 ~~(b) Fees for application and examination, and for the original issuance and each~~
12.22 ~~subsequent renewal, are:~~

12.23 ~~(1) For each personal license application and examination: \$35;~~

12.24 ~~(2) For original issuance and each subsequent renewal of:~~

12.25 ~~Class A Master or master special electrician, including master elevator constructor:~~

12.26 ~~\$40 per year;~~

12.27 ~~Class B Master: \$25 per year;~~

12.28 ~~Power Limited Technician: \$15 per year;~~

12.29 ~~Class A Journeyman, Class B Journeyman, Installer, Elevator Constructor, Lineman,~~

12.30 ~~or Maintenance Electrician other than master special electrician: \$15 per year;~~

12.31 ~~Contractor: \$100 per year;~~

12.32 ~~Unlicensed individual registration: \$15 per year.~~

12.33 ~~(c) If any new license is issued in accordance with this subdivision for less than two~~
12.34 ~~years, the fee for the license shall be prorated on an annual basis.~~

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13.1 ~~(d) A license fee may not be refunded after a license is issued or renewed. However,~~
13.2 ~~if the fee paid for a license was not prorated in accordance with this subdivision, the~~
13.3 ~~amount of the overpayment shall be refunded.~~

13.4 ~~(e) Any contractor who seeks reissuance of a license after it has been revoked or~~
13.5 ~~suspended under this chapter shall submit a reissuance fee of \$100 before the license is~~
13.6 ~~reinstated.~~

13.7 ~~(f) An individual or contractor who fails to renew a license before 30 days after the~~
13.8 ~~expiration or registration of the license must submit a late fee equal to one year's license~~
13.9 ~~fee in addition to the full renewal fee. Fees for renewed licenses or registrations are not~~
13.10 ~~prorated. An individual or contractor that fails to renew a license or registration by the~~
13.11 ~~expiration date is unlicensed until the license or registration is renewed.~~

13.12 (b) For purposes of calculating license fees and renewal license fees required under
13.13 section 326B.092:

13.14 (1) the registration of an unlicensed individual under subdivision 12 shall be
13.15 considered an entry level license;

13.16 (2) the following licenses shall be considered journeyman licenses: Class A
13.17 journeyman electrician, Class B journeyman electrician, Class A installer, Class B installer,
13.18 elevator constructor, lineman, maintenance electrician, and power limited technician;

13.19 (3) the following licenses shall be considered master licenses: Class A master
13.20 electrician, Class B master electrician, and master elevator constructor; and

13.21 (4) the following licenses shall be considered business licenses: Class A electrical
13.22 contractor, Class B electrical contractor, elevator contractor, and technology systems
13.23 contractor.

13.24 (c) For each filing of a certificate of responsible person by an employer, the fee is
13.25 \$100.

13.26 Sec. 18. Minnesota Statutes 2008, section 326B.33, subdivision 20, is amended to read:

13.27 Subd. 20. **Reciprocity.** The commissioner may enter into reciprocity agreements
13.28 for personal licenses with another state if approved by the board. Once approved by the
13.29 board, the commissioner may issue a personal license without requiring the applicant to
13.30 pass an examination provided the applicant:

13.31 (a) submits an application under this section;

13.32 (b) pays the application and examination fee and license fee required under ~~this~~
13.33 section 326B.092; and

13.34 (c) holds a valid comparable license in the state participating in the agreement.

13.35 Agreements are subject to the following:

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14.1 (1) The parties to the agreement must administer a statewide licensing program that
14.2 includes examination and qualifying experience or training comparable to Minnesota's.

14.3 (2) The experience and training requirements under which an individual applicant
14.4 qualified for examination in the qualifying state must be deemed equal to or greater than
14.5 required for an applicant making application in Minnesota at the time the applicant
14.6 acquired the license in the qualifying state.

14.7 (3) The applicant must have acquired the license in the qualifying state through an
14.8 examination deemed equivalent to the same class of license examination in Minnesota.
14.9 A lesser class of license may be granted where the applicant has acquired a greater
14.10 class of license in the qualifying state and the applicant otherwise meets the conditions
14.11 of this subdivision.

14.12 (4) At the time of application, the applicant must hold a valid license in the
14.13 qualifying state and have held the license continuously for at least one year before making
14.14 application in Minnesota.

14.15 (5) An applicant is not eligible for a license under this subdivision if the applicant
14.16 has failed the same or greater class of license examination in Minnesota, or if the
14.17 applicant's license of the same or greater class has been revoked or suspended.

14.18 (6) An applicant who has failed to renew a personal license for two years or more
14.19 after its expiration is not eligible for a license under this subdivision.

14.20 Sec. 19. Minnesota Statutes 2008, section 326B.33, subdivision 21, is amended to read:

14.21 Subd. 21. **Exemptions from licensing.** (a) An individual who is a maintenance
14.22 electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399
14.23 if:

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

14.28 (2) the individual is supervised by:

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

14.31 (ii) a licensed master electrician, a licensed maintenance electrician, an electrical
14.32 engineer, or, if the maintenance and repair work is limited to technology circuits or
14.33 systems work, a licensed power limited technician; and

14.34 (3) the individual's employer has ~~filed~~ on file with the commissioner a current
14.35 certificate of responsible person, signed by the responsible master electrician of the

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15.1 contractor, the licensed master electrician, the licensed maintenance electrician, the
15.2 electrical engineer, or the licensed power limited technician, and stating that the person
15.3 signing the certificate is responsible for ensuring that the maintenance and repair work
15.4 performed by the employer's employees complies with the Minnesota Electrical Act and
15.5 the rules adopted under that act. The employer must pay a filing fee to file a certificate of
15.6 responsible person with the commissioner. The certificate shall expire two years from the
15.7 date of filing. In order to maintain a current certificate of responsible person, the employer
15.8 must resubmit a certificate of responsible person, with a filing fee, no later than two years
15.9 from the date of the previous submittal.

15.10 (b) Employees of a licensed electrical or technology systems contractor or other
15.11 employer where provided with supervision by a master electrician in accordance with
15.12 subdivision 1, or power limited technician in accordance with subdivision 7, paragraph
15.13 (a), clause (1), are not required to hold a license under sections 326B.31 to 326B.399
15.14 for the planning, laying out, installing, altering, and repairing of technology circuits or
15.15 systems except planning, laying out, or installing:

15.16 (1) in other than residential dwellings, class 2 or class 3 remote control circuits that
15.17 control circuits or systems other than class 2 or class 3, except circuits that interconnect
15.18 these systems through communication, alarm, and security systems are exempted from
15.19 this paragraph;

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

15.22 (3) technology circuits or systems in hazardous classified locations as covered by
15.23 chapter 5 of the National Electrical Code.

15.24 (c) Companies and their employees that plan, lay out, install, alter, or repair class
15.25 2 and class 3 remote control wiring associated with plug or cord and plug connected
15.26 appliances other than security or fire alarm systems installed in a residential dwelling are
15.27 not required to hold a license under sections 326B.31 to 326B.399.

15.28 (d) Heating, ventilating, air conditioning, and refrigeration contractors and their
15.29 employees are not required to hold or obtain a license under sections 326B.31 to 326B.399
15.30 when performing heating, ventilating, air conditioning, or refrigeration work as described
15.31 in section 326B.38.

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

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

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

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

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

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

16.15 (3) while installing or performing work on outdoor area lights which are directly
16.16 connected to a utility's distribution system and located upon the utility's distribution poles,
16.17 and which are generally accessible only to employees of such utility or persons acting
16.18 under its control or direction.

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

16.21 Sec. 20. Minnesota Statutes 2008, section 326B.42, is amended by adding a
16.22 subdivision to read:

16.23 Subd. 1a. **Contractor.** "Contractor" means a person who performs or offers
16.24 to perform any plumbing work, with or without compensation, who is licensed as a
16.25 contractor by the commissioner. Contractor includes plumbing contractors and restricted
16.26 plumbing contractors.

16.27 Sec. 21. Minnesota Statutes 2008, section 326B.42, is amended by adding a
16.28 subdivision to read:

16.29 Subd. 8. **Plumbing contractor.** "Plumbing contractor" means a licensed contractor
16.30 whose responsible licensed plumber is a licensed master plumber.

16.31 Sec. 22. Minnesota Statutes 2008, section 326B.42, is amended by adding a
16.32 subdivision to read:

17.1 Subd. 9. **Responsible licensed plumber.** A contractor's "responsible licensed
17.2 plumber" means the licensed master plumber or licensed restricted master plumber
17.3 designated in writing by the contractor in the contractor's license application, or in another
17.4 manner acceptable to the commissioner, as the individual responsible for the contractor's
17.5 compliance with sections 326B.41 to 326B.49, all rules adopted under these sections and
17.6 sections 326B.50 to 326B.59, and all orders issued under section 326B.082.

17.7 Sec. 23. Minnesota Statutes 2008, section 326B.42, is amended by adding a
17.8 subdivision to read:

17.9 Subd. 10. **Restricted plumbing contractor.** "Restricted plumbing contractor"
17.10 means a licensed contractor whose responsible licensed plumber is a licensed restricted
17.11 master plumber.

17.12 Sec. 24. Minnesota Statutes 2008, section 326B.43, subdivision 2, is amended to read:

17.13 **Subd. 2. Agreement with municipality.** The commissioner may enter into an
17.14 agreement with a municipality, in which the municipality agrees to perform plan and
17.15 specification reviews and inspection of plumbing systems required to be performed by
17.16 the commissioner under this chapter and Minnesota Rules, ~~part~~ parts 4715.2800 and
17.17 4715.3130, if:

17.18 (a) the municipality has adopted:

17.19 (1) the plumbing code;

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

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

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

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

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

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

17.33 (2) ensure that there is no physical connection between water supply systems that
17.34 are safe for domestic use and those that are unsafe for domestic use; and

18.1 (3) ensure that there is no apparatus through which unsafe water may be discharged
18.2 or drawn into a safe water supply system;

18.3 (d) the municipality agrees to perform all inspections required by the plumbing
18.4 code in connection with projects for which the municipality reviews plumbing plans and
18.5 specifications under paragraph (b);

18.6 (e) the commissioner determines that the individuals who will conduct the
18.7 inspections and the plumbing plan and specification reviews for the municipality do not
18.8 have any conflict of interest in conducting the inspections and the plan and specification
18.9 reviews;

18.10 (f) individuals who will conduct the plumbing plan and specification reviews for
18.11 the municipality are:

18.12 (1) licensed master plumbers;

18.13 (2) licensed professional engineers; or

18.14 (3) individuals who are working under the supervision of a licensed professional
18.15 engineer or licensed master plumber and who are licensed master or journeyman plumbers
18.16 or hold a postsecondary degree in engineering;

18.17 (g) individuals who will conduct the plumbing plan and specification reviews for
18.18 the municipality have passed a competency assessment required by the commissioner to
18.19 assess the individual's competency at reviewing plumbing plans and specifications;

18.20 (h) individuals who will conduct the plumbing inspections for the municipality
18.21 are licensed master or journeyman plumbers, ~~or inspectors meeting the competency~~
18.22 ~~requirements established in rules adopted under section 326B.135;~~

18.23 (i) the municipality agrees to enforce in its entirety the plumbing code on all
18.24 projects, except as provided in paragraph (p);

18.25 (j) the municipality agrees to keep official records of all documents received,
18.26 including plans, specifications, surveys, and plot plans, and of all plan reviews, permits
18.27 and certificates issued, reports of inspections, and notices issued in connection with
18.28 plumbing inspections and the review of plumbing plans and specifications;

18.29 (k) the municipality agrees to maintain the records described in paragraph (j) in the
18.30 official records of the municipality for the period required for the retention of public
18.31 records under section 138.17, and shall make these records readily available for review at
18.32 the request of the commissioner;

18.33 (l) the municipality and the commissioner agree that if at any time during the
18.34 agreement the municipality does not have in effect the plumbing code or any of ordinances
18.35 described in paragraph (a), or if the commissioner determines that the municipality is not

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19.1 properly administering and enforcing the plumbing code or is otherwise not complying
19.2 with the agreement:

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

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

19.7 (3) while any challenge is pending under clause (2), the commissioner shall perform
19.8 plan and specification reviews within the municipality under Minnesota Rules, part
19.9 4715.3130;

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

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

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

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

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

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

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

19.25 Sec. 25. Minnesota Statutes 2008, section 326B.44, is amended to read:

19.26 **326B.44 LOCAL REGULATIONS.**

19.27 Any of the following entities may, by ordinance, adopt local regulations providing
19.28 for plumbing permits, approval of plans and specifications, and inspections of plumbing,
19.29 which regulations are not in conflict with the plumbing code: any city having a system
19.30 of waterworks or sewerage, regardless of population; any town having a population of
19.31 5,000 or more according to the last federal census, exclusive of any statutory cities
19.32 located therein; and the Metropolitan Airports Commission. No such entity shall prohibit
19.33 ~~plumbers~~ plumbing contractors licensed by the commissioner from engaging in or working
19.34 at the business of plumbing, except cities and statutory cities which, prior to April 21,
19.35 1933, by ordinance required the licensing of plumbers. No such entity shall require any

20.1 person who engages in the business of plumbing to post a bond as a prerequisite for
20.2 engaging in the business of plumbing, except the bond to the state required under section
20.3 326B.46 and except any performance bond required under a contract with the person
20.4 for the performance of plumbing work for the entity. No such entity shall require any
20.5 person who engages in the business of plumbing to maintain public liability insurance
20.6 as a prerequisite for engaging in the business of plumbing, except the insurance required
20.7 under section 326B.46 and except any public liability insurance required under a contract
20.8 with the person for the performance of plumbing work for the entity. No city or town may
20.9 require a license for persons performing building sewer or water service installation who
20.10 have completed pipe laying training as prescribed by the commissioner of labor and
20.11 industry. Any city by ordinance may prescribe regulations, reasonable standards, and
20.12 inspections and grant permits to any person engaged in the business of installing water
20.13 softeners, who is not licensed as a ~~master plumber or journeyman plumber~~ contractor by
20.14 the commissioner, to connect water softening and water filtering equipment to private
20.15 residence water distribution systems, where provision has been previously made therefor
20.16 and openings left for that purpose or by use of cold water connections to a domestic
20.17 water heater; where it is not necessary to rearrange, make any extension or alteration of,
20.18 or addition to any pipe, fixture or plumbing connected with the water system except to
20.19 connect the water softener, and provided the connections so made comply with minimum
20.20 standards prescribed by the Plumbing Board.

20.21 Sec. 26. Minnesota Statutes 2008, section 326B.46, as amended by Laws 2009, chapter
20.22 78, article 5, section 14, and chapter 109, section 13, is amended to read:

20.23 **326B.46 LICENSING, BOND AND INSURANCE.**

20.24 Subdivision 1. **License required.** (a) No ~~person~~ individual shall engage in or work
20.25 at the business of a master plumber, restricted master plumber, journeyman plumber,
20.26 and restricted journeyman plumber unless licensed to do so by the ~~state~~ commissioner.
20.27 A license is not required for individuals performing building sewer or water service
20.28 installation who have completed pipe laying training as prescribed by the commissioner
20.29 ~~of labor and industry~~. A master plumber may also work as a journeyman plumber, a
20.30 restricted journeyman plumber, and a restricted master plumber. A journeyman plumber
20.31 may also work as a restricted journeyman plumber. Anyone not so licensed may do
20.32 plumbing work which complies with the provisions of the minimum standards prescribed
20.33 by the Plumbing Board on premises or that part of premises owned and actually occupied
20.34 by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

21.1 (b) No person shall engage in the business of planning, superintending, or installing
21.2 plumbing or shall install plumbing in connection with the dealing in and selling of
21.3 plumbing material and supplies unless at all times a licensed master plumber, or in cities
21.4 and towns with a population of fewer than 5,000 according to the last federal census, a
21.5 restricted master plumber, who shall be responsible for proper installation, is in charge
21.6 of the plumbing work of the person, ~~firm, or corporation~~.

21.7 (c) Except as provided in subdivision 2, no person shall perform or offer to perform
21.8 plumbing work with or without compensation unless the person obtains a contractor's
21.9 license. A contractor's license does not of itself qualify its holder to perform the plumbing
21.10 work authorized by holding a master, journeyman, restricted master, or restricted
21.11 journeyman license.

21.12 Subd. 1a. Exemptions from licensing. (a) An individual without a contractor
21.13 license may do plumbing work on the individual's residence in accordance with
21.14 subdivision 1, paragraph (a).

21.15 (b) An individual who is an employee working on the maintenance and repair of
21.16 plumbing equipment, apparatus, or facilities owned or leased by the individual's employer
21.17 and which is within the limits of property owned or leased, and operated or maintained by
21.18 the individual's employer, shall not be required to maintain a contractor license as long
21.19 as the employer has on file with the commissioner a current certificate of responsible
21.20 person. The certificate must be signed by the responsible master plumber or, in an area of
21.21 the state that is not a city or town with a population of more than 5,000 according to the
21.22 last federal census, restricted master plumber, and must state that the person signing the
21.23 certificate is responsible for ensuring that the maintenance and repair work performed by
21.24 the employer's employees comply with sections 326B.41 to 326B.49, all rules adopted
21.25 under those sections and sections 326B.50 to 326B.59, and all orders issued under section
21.26 326B.082. The employer must pay a filing fee to file a certificate of responsible person
21.27 with the commissioner. The certificate shall expire two years from the date of filing. In
21.28 order to maintain a current certificate of responsible person, the employer must resubmit a
21.29 certificate of responsible person, with a filing fee, no later than two years from the date of
21.30 the previous submittal. The filing of the certificate of responsible person does not exempt
21.31 any employee of the employer from the requirements of this chapter regarding individual
21.32 licensing as a plumber or registration as a plumber's apprentice.

21.33 (c) If a contractor employs a licensed plumber, the licensed plumber does not need a
21.34 separate contractor license to perform plumbing work on behalf of the employer within
21.35 the scope of the licensed plumber's license.

22.1 Subd. 1b. **Employment of master plumber or restricted master plumber.** (a)
22.2 Each contractor must designate a responsible licensed plumber, who shall be responsible
22.3 for the performance of all plumbing work in accordance with sections 326B.41 to
22.4 326B.49, all rules adopted under these sections and sections 326B.50 to 326B.59, and all
22.5 orders issued under section 326B.082. A plumbing contractor's responsible licensed
22.6 plumber must be a master plumber. A restricted plumbing contractor's responsible licensed
22.7 plumber must be a master plumber or a restricted master plumber. A plumbing contractor
22.8 license authorizes the contractor to offer to perform and, through licensed and registered
22.9 individuals, to perform plumbing work in all areas of the state. A restricted plumbing
22.10 contractor license authorizes the contractor to offer to perform and, through licensed and
22.11 registered individuals, to perform plumbing work in all areas of the state except in cities
22.12 and towns with a population of more than 5,000 according to the last federal census.

22.13 (b) If the contractor is an individual or sole proprietorship, the responsible licensed
22.14 plumber must be the individual, proprietor, or managing employee. If the contractor is
22.15 a partnership, the responsible licensed plumber must be a general partner or managing
22.16 employee. If the contractor is a limited liability company, the responsible licensed plumber
22.17 must be a chief manager or managing employee. If the contractor is a corporation, the
22.18 responsible licensed plumber must be an officer or managing employee. If the responsible
22.19 licensed plumber is a managing employee, the responsible licensed plumber must be
22.20 actively engaged in performing plumbing work on behalf of the contractor, and cannot be
22.21 employed in any capacity as a plumber for any other contractor. An individual may be
22.22 the responsible licensed plumber for only one contractor.

22.23 (c) All applications and renewals for contractor licenses shall include a verified
22.24 statement that the applicant or licensee has complied with this subdivision.

22.25 Subd. 2. **Bond; insurance.** ~~Any person contracting to do plumbing work must give~~
22.26 As a condition of licensing, each contractor shall give and maintain bond to the state in the
22.27 amount of at least \$25,000 for (1) all plumbing work entered into within the state or (2)
22.28 all plumbing work and subsurface sewage treatment work entered into within the state.
22.29 If the bond is for both plumbing work and subsurface sewage treatment work, the bond
22.30 must comply with the requirements of this section and section 115.56, subdivision 2,
22.31 paragraph (e). The bond shall be for the benefit of persons injured or suffering financial
22.32 loss by reason of failure to comply with the requirements of the State Plumbing Code and,
22.33 if the bond is for both plumbing work and subsurface sewage treatment work, financial
22.34 loss by reason of failure to comply with the requirements of sections 115.55 and 115.56.
22.35 The bond shall be filed with the commissioner and shall be written by a corporate surety
22.36 licensed to do business in the state.

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23.1 In addition, ~~each applicant for a master plumber license or restricted master plumber~~
23.2 ~~license, or renewal thereof, shall provide evidence of~~ as a condition of licensing, each
23.3 contractor shall have and maintain in effect public liability insurance, including products
23.4 liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence
23.5 and property damage insurance with limits of at least \$10,000. The insurance shall be
23.6 written by an insurer licensed to do business in the state of Minnesota and each licensed
23.7 master plumber shall maintain on file with the commissioner a certificate evidencing the
23.8 insurance providing that the insurance shall not be canceled without the insurer first giving
23.9 15 days written notice to the commissioner. ~~The term of the insurance shall be concurrent~~
23.10 ~~with the term of the license.~~

23.11 ~~Subd. 3. **Bond and insurance exemption.** If a master plumber or restricted master~~
23.12 ~~plumber who is in compliance with the bond and insurance requirements of subdivision 2,~~
23.13 ~~employs a licensed plumber, the employee plumber shall not be required to meet the bond~~
23.14 ~~and insurance requirements of subdivision 2. An individual who is an employee working~~
23.15 ~~on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or~~
23.16 ~~leased by the individual's employer and which is within the limits of property owned or~~
23.17 ~~leased, and operated or maintained by the individual's employer, shall not be required to~~
23.18 ~~meet the bond and insurance requirements of subdivision 2.~~

23.19 ~~Subd. 4. **Fee.** (a) Each person giving bond to the state under subdivision 2 shall pay~~
23.20 ~~the department a bond registration fee of \$40 for one year or \$80 for two years.~~

23.21 ~~(b) The commissioner shall in a manner determined by the commissioner, without~~
23.22 ~~the need for any rulemaking under chapter 14, phase in the bond registration from one year~~
23.23 ~~to two years so that the expiration of bond registration corresponds with the expiration of~~
23.24 ~~the license issued under section 326B.475 or 326B.49, subdivision 1.~~

23.25 **Subd. 5. Exterior connections.** Persons licensed as manufactured home installers
23.26 under chapter 327B are not required to be licensed under sections 326B.42 to 326B.49
23.27 when connecting the exterior building drain sewer outlets to the aboveground building
23.28 sewer system and when connecting the exterior water line to the aboveground water
23.29 system to the manufactured home as described in National Manufactured Housing
23.30 Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401
23.31 et seq. No additional licensure, bond, or insurance related to the scope of work permitted
23.32 under this subdivision may be required of a licensed manufactured home installer by
23.33 any unit of government.

23.34 Sec. 27. Minnesota Statutes 2008, section 326B.47, is amended to read:

23.35 **326B.47 PLUMBER'S APPRENTICES.**

24.1 Subdivision 1. **Registration; supervision; records.** (a) All plumber's apprentices
24.2 must be registered. To be a registered plumber's apprentice, an individual must either:

24.3 (1) be an individual employed in the trade of plumbing under an apprenticeship
24.4 agreement approved by the department under Minnesota Rules, part 5200.0300; or

24.5 (2) be an unlicensed individual registered with the commissioner under subdivision
24.6 3.

24.7 (b) A plumber's apprentice is authorized to assist in the installation of plumbing
24.8 only while under the direct supervision of a master, restricted master, journeyman, or
24.9 restricted journeyman plumber. The master, restricted master, journeyman, or restricted
24.10 journeyman plumber is responsible for ensuring that all plumbing work performed by the
24.11 plumber's apprentice complies with the plumbing code. The supervising master, restricted
24.12 master, journeyman, or restricted journeyman must be licensed and must be employed
24.13 by the same employer as the plumber's apprentice. Licensed individuals shall not permit
24.14 plumber's apprentices to perform plumbing work except under the direct supervision of
24.15 an individual actually licensed to perform such work. Plumber's apprentices shall not
24.16 supervise the performance of plumbing work or make assignments of plumbing work
24.17 to unlicensed individuals.

24.18 (c) Contractors employing plumber's apprentices to perform plumbing work shall
24.19 maintain records establishing compliance with this subdivision that shall identify all
24.20 plumber's apprentices performing plumbing work, and shall permit the department to
24.21 examine and copy all such records.

24.22 Subd. 2. **Journeyman exam.** A plumber's apprentice who has completed four
24.23 years of practical plumbing experience is eligible to take the journeyman plumbing
24.24 examination. Up to 24 months of practical plumbing experience prior to becoming a
24.25 plumber's apprentice may be applied to the four-year experience requirement. However,
24.26 none of this practical plumbing experience may be applied if the individual did not have
24.27 any practical plumbing experience in the 12-month period immediately prior to becoming
24.28 a plumber's apprentice. The Plumbing Board may adopt rules to evaluate whether
24.29 the individual's past practical plumbing experience is applicable in preparing for the
24.30 journeyman's examination. If two years after completing the training the individual has
24.31 not taken the examination, the four years of experience shall be forfeited.

24.32 The commissioner may allow an extension of the two-year period for taking the
24.33 exam for cases of hardship or other appropriate circumstances.

24.34 Subd. 3. **Registration, rules, applications, renewals, and fees.** An unlicensed
24.35 individual may register by completing and submitting to the commissioner ~~a registration~~
24.36 an application form provided by the commissioner, with all fees required by section

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25.1 326B.092. A completed ~~registration~~ application form must state the date the individual
25.2 began training, the individual's age, schooling, previous experience, and employer,
25.3 and other information required by the commissioner. The board may prescribe rules,
25.4 not inconsistent with this section, for the registration of unlicensed individuals. ~~Each~~
25.5 ~~applicant for initial registration as a plumber's apprentice shall pay the department an~~
25.6 ~~application fee of \$25.~~ Applications for initial registration may be submitted at any time.
25.7 Registration must be renewed annually and shall be for the period from July 1 of each year
25.8 to June 30 of the following year. ~~Applications for renewal registration must be received~~
25.9 ~~by the commissioner by June 30 of each registration period on forms provided by the~~
25.10 ~~commissioner, and must be accompanied by a fee of \$25.~~ An application for renewal
25.11 ~~registration received on or after July 1 in any year but no more than three months after~~
25.12 ~~expiration of the previously issued registration must pay the past due renewal fee plus a~~
25.13 ~~late fee of \$25.~~ No applications for renewal registration will be accepted more than three
25.14 ~~months after expiration of the previously issued registration.~~

25.15 Sec. 28. Minnesota Statutes 2008, section 326B.475, subdivision 2, is amended to read:

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

25.19 Sec. 29. Minnesota Statutes 2009 Supplement, section 326B.475, subdivision 4,
25.20 is amended to read:

25.21 Subd. 4. **Renewal; use period for license.** (a) A restricted master plumber and
25.22 restricted journeyman plumber license must be renewed for as long as that licensee
25.23 engages in the plumbing trade. Notwithstanding section 326B.094, failure to renew a
25.24 restricted master plumber and restricted journeyman plumber license within 12 months
25.25 after the expiration date will result in permanent forfeiture of the restricted master plumber
25.26 and restricted journeyman plumber license.

25.27 (b) The commissioner shall in a manner determined by the commissioner, without
25.28 the need for any rulemaking under chapter 14, phase in the renewal of restricted master
25.29 plumber and restricted journeyman plumber licenses from one year to two years. By
25.30 June 30, 2011, all restricted master plumber and restricted journeyman plumber licenses
25.31 shall be two-year licenses.

25.32 Sec. 30. Minnesota Statutes 2009 Supplement, section 326B.49, subdivision 1, is
25.33 amended to read:

26.1 Subdivision 1. **Application, examination, and license fees.** (a) Applications for
26.2 master and journeyman plumber's license licenses shall be made to the commissioner, with
26.3 ~~fee~~ all fees required by section 326B.092. Unless the applicant is entitled to a renewal,
26.4 the applicant shall be licensed by the commissioner only after passing a satisfactory
26.5 examination developed and administered by the commissioner, based upon rules adopted
26.6 by the Plumbing Board, showing fitness. ~~Examination fees for both journeyman and~~
26.7 ~~master plumbers shall be \$50 for each examination. Upon being notified of having~~
26.8 ~~successfully passed the examination for original license the applicant shall submit an~~
26.9 ~~application, with the license fee herein provided. The license fee for each initial master~~
26.10 ~~plumber's license shall be \$240. The license fee for each initial journeyman plumber's~~
26.11 ~~license shall be \$110.~~

26.12 (b) All initial ~~master and~~ journeyman plumber's licenses shall be effective for more
26.13 than one calendar year and shall expire on December 31 of the year after the year in which
26.14 the application is made. ~~The license fee for each renewal master plumber's license shall be~~
26.15 ~~\$120 for one year or \$240 for two years. The license fee for each renewal journeyman~~
26.16 ~~plumber's license shall be \$55 for one year or \$110 for two years. All master plumber's~~
26.17 ~~licenses shall expire on December 31 of each even-numbered year after issuance or~~
26.18 ~~renewal.~~ The commissioner shall in a manner determined by the commissioner, without
26.19 the need for any rulemaking under chapter 14, phase in the renewal of master and
26.20 journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed
26.21 master and journeyman plumber's licenses shall be two-year licenses.

26.22 (c) ~~Any licensee who does not renew a license within two years after the license~~
26.23 ~~expires is no longer eligible for renewal. Such an individual must retake and pass the~~
26.24 ~~examination before a new license will be issued. A journeyman or master plumber who~~
26.25 ~~submits a license renewal application after the time specified in rule but within two~~
26.26 ~~years after the license expired must pay all past due renewal fees plus a late fee of \$25.~~
26.27 Applications for contractor licenses shall be made to the commissioner, with all fees
26.28 required by section 326B.092. All contractor licenses shall expire on December 31 of each
26.29 odd-numbered year after issuance or renewal.

26.30 (d) For purposes of calculating license fees and renewal license fees required under
26.31 section 326B.092:

26.32 (1) the following licenses shall be considered business licenses: plumbing contractor
26.33 and restricted plumbing contractor;

26.34 (2) the following licenses shall be considered master licenses: master plumber and
26.35 restricted master plumber;

27.1 (3) the following licenses shall be considered journeyman licenses: journeyman
27.2 plumber and restricted journeyman plumber; and

27.3 (4) the registration of a plumber's apprentice under section 326B.47, subdivision 3,
27.4 shall be considered an entry level license.

27.5 (e) For each filing of a certificate of responsible person by an employer, the fee is
27.6 \$100.

27.7 Sec. 31. Minnesota Statutes 2008, section 326B.50, is amended by adding a
27.8 subdivision to read:

27.9 Subd. 1a. **Responsible licensed master.** "Responsible licensed master" means the
27.10 licensed water conditioning master or licensed master plumber designated in writing by
27.11 the water conditioning contractor in the water conditioning contractor's license application,
27.12 or in another manner acceptable to the commissioner, as the individual responsible for
27.13 the water conditioning contractor's compliance with sections 326B.50 to 326B.59, all
27.14 rules adopted under these sections, the Minnesota Plumbing Code, and all orders issued
27.15 under section 326B.082.

27.16 Sec. 32. Minnesota Statutes 2008, section 326B.50, is amended by adding a
27.17 subdivision to read:

27.18 Subd. 2a. **Water conditioning contractor.** "Water conditioning contractor"
27.19 means a person who performs or offers to perform any water conditioning installation or
27.20 water conditioning servicing, with or without compensation, who is licensed as a water
27.21 conditioning contractor by the commissioner.

27.22 Sec. 33. Minnesota Statutes 2008, section 326B.50, is amended by adding a
27.23 subdivision to read:

27.24 Subd. 3a. **Water conditioning journeyman.** "Water conditioning journeyman"
27.25 means an individual, other than a water conditioning master, who has demonstrated
27.26 practical knowledge of water conditioning installation and servicing, and who is licensed
27.27 by the commissioner as a water conditioning journeyman.

27.28 Sec. 34. Minnesota Statutes 2008, section 326B.50, is amended by adding a
27.29 subdivision to read:

27.30 Subd. 3b. **Water conditioning master.** "Water conditioning master" means
27.31 an individual who has demonstrated skill in planning, superintending, installing, and

28.1 servicing water conditioning installations, and who is licensed by the commissioner as a
28.2 water conditioning master.

28.3 Sec. 35. Minnesota Statutes 2008, section 326B.54, is amended to read:

28.4 **326B.54 VIOLATIONS TO BE REPORTED TO COMMISSIONER.**

28.5 Such local authority as may be designated by any such ordinance for the issuance
28.6 of such water conditioning installation and servicing permits and approval of such plans
28.7 shall report to the commissioner persistent or willful violations of the same and any
28.8 incompetence of a licensed water conditioning contractor, licensed water conditioning
28.9 master, or licensed water conditioning ~~installer~~ journeyman observed by the local authority.

28.10 Sec. 36. Minnesota Statutes 2008, section 326B.55, as amended by 2010 H.F. No. 927,
28.11 section 13, if enacted, is amended to read:

28.12 **326B.55 LICENSING IN CERTAIN CITIES; QUALIFICATIONS; RULES.**

28.13 Subdivision 1. **Licensing.** (a) Except as provided in paragraph (d), no individual
28.14 shall perform water conditioning installation or water conditioning servicing unless
28.15 licensed by the commissioner as a master plumber, journeyman plumber, water
28.16 conditioning master, or water conditioning journeyman, or, in all areas of the state except
28.17 in cities and towns with a population of more than 5,000 according to the last federal
28.18 census, as a restricted master plumber or restricted journeyman plumber.

28.19 (b) Except as provided in paragraph (e), no person shall perform or offer to
28.20 perform water conditioning installation or water conditioning servicing with or without
28.21 compensation unless the person obtains a water conditioning contractor's license. A water
28.22 conditioning contractor's license does not of itself qualify its holder to perform the water
28.23 conditioning installation or water conditioning servicing authorized by holding a water
28.24 conditioning master or water conditioning journeyman license.

28.25 (c) Except as provided in paragraph (d), no person shall engage in or work at the
28.26 business of water conditioning installation or servicing anywhere in the state unless (1)
28.27 at all times an individual licensed as a master plumber or water conditioning contractor
28.28 ~~master~~ by the commissioner ~~shall be~~, who is responsible for the proper installation and
28.29 ~~servicing~~, is in charge of the water conditioning installation and servicing work ~~of such~~
28.30 person, and (2) all installations, other than.

28.31 If a water conditioning contractor employs a licensed master, restricted master,
28.32 journeyman or restricted journeyman plumber, or a licensed water conditioning master
28.33 or journeyman, then the licensed individual does not need a separate water conditioning

29.1 contractor license to perform water conditioning installation or servicing on behalf of the
29.2 employer within the scope of the individual's plumber license.

29.3 (d) No water conditioning contractor, water conditioning master, or water
29.4 conditioning journeyman license is required:

29.5 (1) for exchanges of portable water conditioning equipment, are performed by a
29.6 licensed water conditioning contractor or licensed water conditioning installer. Any
29.7 individual not so licensed may; or

29.8 (2) for an individual to perform water conditioning work that complies with the
29.9 minimum standards prescribed by the Plumbing Board on premises or that part of
29.10 premises owned and occupied by the ~~worker~~ individual as a residence, unless otherwise
29.11 prohibited by a local ordinance.

29.12 Subd. 2. **Qualifications for licensing.** (a) A water conditioning ~~contractor~~ master
29.13 license shall be issued only to an individual who has demonstrated skill in planning,
29.14 superintending, and servicing water conditioning installations, and has successfully passed
29.15 the examination for water conditioning ~~contractors~~ masters. A water conditioning ~~installer~~
29.16 journeyman license shall only be issued to an individual other than a water conditioning
29.17 ~~contractor~~ master who has demonstrated practical knowledge of water conditioning
29.18 installation, and has successfully passed the examination for water conditioning ~~installers~~
29.19 journeymen. A water conditioning ~~installer~~ journeyman must successfully pass the
29.20 examination for water conditioning ~~contractors~~ masters before being licensed as a water
29.21 conditioning ~~contractor~~ master.

29.22 (b) Each water conditioning contractor must designate a responsible licensed master
29.23 plumber or a responsible licensed water conditioning master, who shall be responsible
29.24 for the performance of all water conditioning installation and servicing in accordance
29.25 with the requirements of sections 326B.50 to 326B.59, all rules adopted under these
29.26 sections, the Minnesota Plumbing Code, and all orders issued under section 326B.082. If
29.27 the water conditioning contractor is an individual or sole proprietorship, the responsible
29.28 licensed master must be the individual, proprietor, or managing employee. If the water
29.29 conditioning contractor is a partnership, the responsible licensed master must be a general
29.30 partner or managing employee. If the water conditioning contractor is a limited liability
29.31 company, the responsible licensed master must be a chief manager or managing employee.
29.32 If the water conditioning contractor is a corporation, the responsible licensed master must
29.33 be an officer or managing employee. If the responsible licensed master is a managing
29.34 employee, the responsible licensed master must be actively engaged in performing water
29.35 conditioning work on behalf of the water conditioning contractor, and cannot be employed
29.36 in any capacity as a water conditioning master or water conditioning journeyman for any

30.1 other water conditioning contractor. An individual must not be the responsible licensed
30.2 master for more than one water conditioning contractor.

30.3 (c) All applications and renewals for water conditioning contractor licenses shall
30.4 include a verified statement that the applicant or licensee has complied with paragraph (b).

30.5 (d) Each application and renewal for a water conditioning master license, water
30.6 conditioning journeyman license, or a water conditioning contractor license shall be
30.7 accompanied by all fees required by section 326B.092.

30.8 Subd. 3. **Commissioner.** The commissioner shall:

30.9 (1) license water conditioning contractors, water conditioning masters, and installers
30.10 water conditioning journeymen; and

30.11 (2) collect an examination fee from each examinee for a license as a water
30.12 conditioning contractor and an examination fee from each examinee for a license as a
30.13 water conditioning installer in an amount set forth in section 326B.58 the fees required by
30.14 section 326B.092.

30.15 Subd. 4. **Plumber's apprentices.** (a) A plumber's apprentice who is registered
30.16 under section 326B.47 is authorized to assist in water conditioning installation and water
30.17 conditioning servicing only while under the direct supervision of a master plumber,
30.18 journeyman plumber, water conditioning master, or water conditioning journeyman.
30.19 The master or journeyman is responsible for ensuring that all water conditioning work
30.20 performed by the plumber's apprentice complies with the plumbing code and rules
30.21 adopted under sections 326B.50 to 326B.59. The supervising master or journeyman must
30.22 be licensed and must be employed by the same employer as the plumber's apprentice.
30.23 Licensed individuals shall not permit plumber's apprentices to perform water conditioning
30.24 work except under the direct supervision of an individual actually licensed to perform
30.25 such work. Plumber's apprentices shall not supervise the performance of plumbing work
30.26 or make assignments of plumbing work to unlicensed individuals.

30.27 (b) Water conditioning contractors employing plumber's apprentices to perform
30.28 water conditioning work shall maintain records establishing compliance with this
30.29 subdivision that shall identify all plumber's apprentices performing water conditioning
30.30 work, and shall permit the department to examine and copy all such records.

30.31 Sec. 37. Minnesota Statutes 2008, section 326B.56, as amended by Laws 2009, chapter
30.32 78, article 5, section 18, is amended to read:

30.33 **326B.56 ALTERNATIVE STATE BONDING AND INSURANCE**
30.34 **REGULATION.**

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31.1 Subdivision 1. **Bonds.** (a) ~~An applicant for a water conditioning contractor or~~
31.2 ~~installer license or renewal thereof who is required by any political subdivision to give a~~
31.3 ~~bond to obtain or maintain the license, may comply with any political subdivision bonding~~
31.4 ~~requirement by giving~~ As a condition of licensing, each water conditioning contractor
31.5 shall give and maintain a bond to the state as described in paragraph (b). No applicant for a
31.6 water conditioning contractor or installer license who maintains the bond under paragraph
31.7 (b) shall be otherwise required to meet the bond requirements of any political subdivision.

31.8 (b) Each bond given to the state under this subdivision shall be in the total sum of
31.9 \$3,000 conditioned upon the faithful and lawful performance of all water conditioning
31.10 ~~contracting or installing work~~ installation or servicing done within the state. The bond
31.11 shall be for the benefit of persons suffering injuries or damages due to the work. The bond
31.12 shall be filed with the commissioner and shall be written by a corporate surety licensed to
31.13 do business in this state. The bond must remain in effect at all times while the application
31.14 is pending and while the license is in effect.

31.15 Subd. 2. **Insurance.** (a) ~~Each applicant for a water conditioning contractor or~~
31.16 ~~installer license or renewal thereof who is required by any political subdivision to maintain~~
31.17 ~~insurance to obtain or maintain the license may comply with any political subdivision's~~
31.18 ~~insurance requirement by maintaining~~ As a condition of licensing, each water conditioning
31.19 contractor shall have and maintain in effect the insurance described in paragraph (b).
31.20 No applicant for a water conditioning contractor ~~or installer~~ license who maintains the
31.21 insurance described in paragraph (b) shall be otherwise required to meet the insurance
31.22 requirements of any political subdivision.

31.23 (b) The insurance shall provide coverage, including products liability coverage,
31.24 for all damages in connection with licensed work for which the licensee is liable, with
31.25 personal damage limits of at least \$50,000 per person and \$100,000 per occurrence and
31.26 property damage insurance with limits of at least \$10,000. The insurance shall be written
31.27 by an insurer licensed to do business in this state and a certificate evidencing the insurance
31.28 shall be filed with the commissioner. The insurance must remain in effect at all times
31.29 while the application is pending and while the license is in effect. The insurance shall not
31.30 be canceled without the insurer first giving 15 days' written notice to the commissioner.

31.31 Subd. 3. **Bond and insurance exemption.** A water conditioning contractor or
31.32 installer who is an employee of a water conditioning contractor or installer, including
31.33 an employee engaged in the maintenance and repair of water conditioning equipment,
31.34 apparatus, or facilities owned, leased and operated, or maintained by the employer, is
31.35 not required to meet the bond and insurance requirements of subdivisions 1 and 2 or of
31.36 any political subdivision.

32.1 Subd. 4. Fee. (a) The commissioner shall collect a \$40 bond registration fee for
32.2 one year or \$80 for two years from each applicant for issuance or renewal of a water
32.3 conditioning contractor or installer license who elects to proceed under subdivisions
32.4 1 and 2.

32.5 (b) The commissioner shall in a manner determined by the commissioner, without
32.6 the need for any rulemaking under chapter 14, phase in the bond registration from one year
32.7 to two years so that the expiration of bond registration corresponds with the expiration of
32.8 the license issued under section 326B.55.

32.9 Sec. 38. Minnesota Statutes 2009 Supplement, section 326B.58, is amended to read:

32.10 **326B.58 FEES; RENEWAL.**

32.11 ~~(a) Examination fees for both water conditioning contractors and water conditioning~~
32.12 ~~installers shall be \$50 for each examination. Each initial water conditioning contractor~~
32.13 ~~and installer master and water conditioning journeyman license shall be effective for more~~
32.14 ~~than one calendar year and shall expire on December 31 of the year after the year in which~~
32.15 ~~the application is made. The license fee for each initial water conditioning contractor's~~
32.16 ~~license shall be \$140, except that the license fee shall be \$105 if the application is~~
32.17 ~~submitted during the last three months of the calendar year. The license fee for each~~
32.18 ~~renewal water conditioning contractor's license shall be \$70 for one year or \$140 for two~~
32.19 ~~years. The license fee for each initial water conditioning installer license shall be \$70,~~
32.20 ~~except that the license fee shall be \$52.50 if the application is submitted during the last~~
32.21 ~~three months of the calendar year. The license fee for each renewal water conditioning~~
32.22 ~~installer license shall be \$35 for one year or \$70 for two years.~~

32.23 (b) The commissioner shall in a manner determined by the commissioner, without
32.24 the need for any rulemaking under chapter 14, phase in the renewal of water conditioning
32.25 ~~contractor and installer master and journeyman licenses from one year to two years. By~~
32.26 ~~June 30, 2011, all renewed water conditioning contractor and installer licenses shall be~~
32.27 ~~two-year licenses. The commissioner Plumbing Board may by rule prescribe for the~~
32.28 ~~expiration and renewal of licenses.~~

32.29 (c) ~~Any licensee who does not renew a license within two years after the license~~
32.30 ~~expires is no longer eligible for renewal. Such an individual must retake and pass the~~
32.31 ~~examination before a new license will be issued. A water conditioning contractor or water~~
32.32 ~~conditioning installer who submits a license renewal application after the time specified~~
32.33 ~~in rule but within two years after the license expired must pay all past due renewal fees~~
32.34 ~~plus a late fee of \$25. All water conditioning contractor licenses shall expire on December~~
32.35 ~~31 of the year after issuance or renewal.~~

33.1 (d) For purposes of calculating license fees and renewal fees required under section
33.2 326B.092:

33.3 (1) a water conditioning journeyman license shall be considered a journeyman
33.4 license;

33.5 (2) a water conditioning master license shall be considered a master license; and

33.6 (3) a water conditioning contractor license shall be considered a business license.

33.7 Sec. 39. Minnesota Statutes 2008, section 326B.805, subdivision 6, is amended to read:

33.8 Subd. 6. **Exemptions.** The license requirement does not apply to:

33.9 (1) an employee of a licensee performing work for the licensee;

33.10 (2) a material person, manufacturer, or retailer furnishing finished products,
33.11 materials, or articles of merchandise who does not install or attach the items;

33.12 (3) an owner of residential real estate who builds or improves any structure on
33.13 residential real estate, if the building or improving is performed by the owner's bona fide
33.14 employees or by individual owners personally. This exemption does not apply to an
33.15 owner who constructs or improves property for purposes of speculation if the building
33.16 or improving is performed by the owner's bona fide employees or by individual owners
33.17 personally. A residential building contractor or residential remodeler will be presumed
33.18 to be building or improving for purposes of speculation if the contractor or remodeler
33.19 constructs or improves more than one property within any 24-month period;

33.20 (4) an architect or professional engineer engaging in professional practice as defined
33.21 by section 326.02, subdivisions 2 and 3;

33.22 (5) a person whose total gross annual receipts for performing specialty skills for
33.23 which licensure would be required under this section do not exceed \$15,000;

33.24 (6) a mechanical contractor;

33.25 (7) a plumber, electrician, or other person whose profession is otherwise subject to
33.26 statewide licensing, when engaged in the activity which is the subject of that licensure;

33.27 (8) specialty contractors who provide only one special skill as defined in section
33.28 326B.802;

33.29 (9) a school district, or a technical college governed under chapter 136F; and

33.30 (10) Habitat for Humanity and Builders Outreach Foundation, and their individual
33.31 volunteers when engaged in activities on their behalf.

33.32 To qualify for the exemption in clause (5), a person must obtain a certificate of exemption
33.33 from licensure from the commissioner. A certificate of exemption will be issued upon
33.34 the applicant's filing with the commissioner, an affidavit stating that the applicant does
33.35 not expect to exceed \$15,000 in gross annual receipts derived from performing services

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34.1 which require licensure under this section during the calendar year in which the affidavit
34.2 is received. For the purposes of calculating fees under section 326B.092, a certificate of
34.3 exemption is an entry level license. To renew the exemption in clause (5), the applicant
34.4 must file an affidavit stating that the applicant did not exceed \$15,000 in gross annual
34.5 receipts during the past calendar year. If a person, operating under the exemption in
34.6 clause (5), exceeds \$15,000 in gross receipts during any calendar year, the person
34.7 must immediately surrender the ~~exemption~~ certificate of exemption and apply for the
34.8 appropriate license. The person must remain licensed until such time as the person's gross
34.9 annual receipts during a calendar year fall below \$15,000. The person may then apply for
34.10 an exemption for the next calendar year.

34.11 Sec. 40. Minnesota Statutes 2009 Supplement, section 326B.815, subdivision 1,
34.12 is amended to read:

34.13 Subdivision 1. ~~Licensing fee Fees.~~ (a) ~~The licensing fee for persons licensed~~
34.14 ~~pursuant to sections 326B.802 to 326B.885, except for manufactured home installers,~~
34.15 ~~is \$200 for a two-year period. The~~ For the purposes of calculating fees under section
34.16 326B.092, an initial or renewed residential contractor, residential remodeler, or residential
34.17 roofer license is a business license. Notwithstanding section 326B.092, the licensing fee
34.18 for manufactured home installers under section 327B.041 is \$300 for a three-year period.

34.19 (b) All initial and renewal licenses, except for manufactured home installer licenses,
34.20 shall be effective for two years and shall expire on March 31 of the year after the year in
34.21 which the application is made. ~~The license fee for each renewal of a residential contractor,~~
34.22 ~~residential remodeler, or residential roofer license shall be \$100 for one year and \$200~~
34.23 ~~for two years.~~

34.24 (c) The commissioner shall in a manner determined by the commissioner, without
34.25 the need for any rulemaking under chapter 14, phase in the renewal of residential
34.26 contractor, residential remodeler, and residential roofer licenses from one year to two
34.27 years. By June 30, 2011, all renewed residential contractor, residential remodeler, and
34.28 residential roofer licenses shall be two-year licenses.

34.29 Sec. 41. Minnesota Statutes 2008, section 326B.83, subdivision 1, is amended to read:

34.30 Subdivision 1. **Form.** (a) An applicant for a license under sections 326B.802 to
34.31 326B.885 must submit an application, under oath and accompanied by the ~~license fee fees~~
34.32 required by section ~~326B.815~~ 326B.092, on a form prescribed by the commissioner.
34.33 ~~Within 30 business days of receiving all required information, the commissioner must~~
34.34 ~~act on the license request.~~

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35.1 **(b)** If one of the categories in the application does not apply, the applicant must
35.2 identify the category and state the reason the category does not apply. The commissioner
35.3 may refuse to issue a license if the application is not complete or contains unsatisfactory
35.4 information.

35.5 Sec. 42. Minnesota Statutes 2008, section 326B.83, subdivision 3, is amended to read:

35.6 Subd. 3. **Examination.** (a) Each qualifying person must ~~satisfactorily complete~~ pass
35.7 a written examination for the type of license requested. The commissioner may establish
35.8 the examination qualifications, including related education experience and education, the
35.9 examination procedure, and the examination for each licensing group. The examination
35.10 must include at a minimum the following areas:

35.11 (1) appropriate knowledge of technical terms commonly used and the knowledge of
35.12 reference materials and code books to be used for technical information; and

35.13 (2) understanding of the general principles of business management and other
35.14 pertinent state laws.

35.15 (b) Each examination must be designed for the specified type of license requested.

35.16 ~~(c) An individual's passing examination results expire two years from the~~
35.17 ~~examination date. An individual who passes the examination but does not choose to apply~~
35.18 ~~to act as a qualifying person for a licensee within two years from the examination date,~~
35.19 ~~must, upon application provide:~~

35.20 ~~(1) passing examination results within two years from the date of application; or~~

35.21 ~~(2) proof that the person has fulfilled the continuing education requirements in~~
35.22 ~~section 326B.821 in the manner required for a qualifying person of a licensee for each~~
35.23 ~~license period after the expiration of the examination results.~~

35.24 Sec. 43. Minnesota Statutes 2008, section 326B.83, subdivision 6, is amended to read:

35.25 Subd. 6. **License.** A nonresident of Minnesota may be licensed as a residential
35.26 building contractor, residential remodeler, residential roofer, or manufactured home
35.27 installer upon compliance with all the provisions of sections 326B.092 to 326B.098 and
35.28 326B.802 to 326B.885.

35.29 Sec. 44. Minnesota Statutes 2009 Supplement, section 326B.86, subdivision 1, is
35.30 amended to read:

35.31 Subdivision 1. **Bond.** (a) Licensed manufactured home installers and licensed
35.32 residential roofers must post a biennial surety bond in the name of the licensee with the
35.33 commissioner, conditioned that the applicant shall faithfully perform the duties and in

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36.1 all things comply with all laws, ordinances, and rules pertaining to the license or permit
36.2 applied for and all contracts entered into. The biennial bond must be continuous and
36.3 maintained for so long as the licensee remains licensed. The aggregate liability of the
36.4 surety on the bond to any and all persons, regardless of the number of claims made
36.5 against the bond, may not exceed the amount of the bond. The bond may be canceled as
36.6 to future liability by the surety upon 30 days' written notice mailed to the commissioner
36.7 by regular mail.

36.8 (b) A licensed residential roofer must post a bond of at least \$15,000.

36.9 (c) A licensed manufactured home installer must post a bond of at least \$2,500.

36.10 Bonds issued under sections 326B.802 to 326B.885 are not state bonds or contracts
36.11 for purposes of sections 8.05 and 16C.05, subdivision 2.

36.12 Sec. 45. Minnesota Statutes 2008, section 326B.865, is amended to read:

36.13 **326B.865 SIGN CONTRACTOR; BOND.**

36.14 (a) A sign contractor may post a compliance bond with the commissioner,
36.15 conditioned that the sign contractor shall faithfully perform duties and comply with
36.16 laws, ordinances, rules, and contracts entered into for the installation of signs. The bond
36.17 must be renewed ~~annually~~ biennially and maintained for so long as determined by the
36.18 commissioner. The aggregate liability of the surety on the bond to any and all persons,
36.19 regardless of the number of claims made against the bond, may not exceed the annual
36.20 amount of the bond. The bond may be canceled as to future liability by the surety upon 30
36.21 days' written notice mailed to the commissioner by United States mail.

36.22 (b) The amount of the bond shall be \$8,000. The bond may be drawn upon only by a
36.23 local unit of government that requires sign contractors to post a compliance bond. The
36.24 bond is in lieu of any compliance bond required by a local unit of government.

36.25 (c) For purposes of this section, "sign" means a device, structure, fixture, or
36.26 placard using graphics, symbols, or written copy that is erected on the premises of an
36.27 establishment including the name of the establishment or identifying the merchandise,
36.28 services, activities, or entertainment available on the premises.

36.29 Sec. 46. Minnesota Statutes 2008, section 326B.921, subdivision 2, is amended to read:

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

36.33 A person must have at all times as a full-time employee at least one individual
36.34 holding a contracting high pressure pipefitter competency license. Only full-time

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37.1 employees who hold contracting high pressure pipefitter licenses are authorized to obtain
37.2 high pressure piping permits in the name of the business. The contracting high pressure
37.3 pipefitter competency license holder can be the employee of only one high pressure piping
37.4 business at a time. An application for a high pressure piping business license shall include
37.5 a verified statement that the applicant or licensee has complied with this subdivision.

37.6 To retain its business license without reapplication, a person holding a high pressure
37.7 piping business license that ceases to employ an individual holding a contracting high
37.8 pressure pipefitter competency license shall have 60 days from the last day of employment
37.9 of its previous contracting pipefitter competency license holder to employ another license
37.10 holder. The department must be notified no later than five days after the last day of
37.11 employment of the previous license holder.

37.12 No high pressure pipefitting work may be performed during any period when the
37.13 high pressure pipefitting business does not have a contracting high pressure pipefitter
37.14 competency license holder on staff. If a license holder is not employed within 60 days
37.15 after the last day of employment of the previous license holder, the pipefitting business
37.16 license shall lapse.

37.17 The board shall prescribe by rule procedures for application for and issuance of
37.18 business licenses.

37.19 Sec. 47. Minnesota Statutes 2008, section 326B.921, subdivision 4, is amended to read:

37.20 Subd. 4. **Registration with commissioner.** An unlicensed individual may
37.21 register to assist in the practical construction and installation of high pressure piping
37.22 and appurtenances while in the employ of a licensed high pressure piping business by
37.23 completing and submitting to the commissioner a registration form provided by the
37.24 commissioner, with all fees required by section 326B.092. The board may prescribe rules,
37.25 not inconsistent with this section, for the registration of unlicensed individuals.

37.26 ~~An unlicensed individual applying for initial registration shall pay the department an~~
37.27 ~~application fee of \$50.~~ Applications for initial registration may be submitted at any time.
37.28 Registration must be renewed annually and shall be valid for one calendar year beginning
37.29 January 1. ~~Applications for renewal registration must be submitted to the commissioner~~
37.30 ~~before December 31 of each registration period on forms provided by the commissioner,~~
37.31 ~~and must be accompanied by a fee of \$50. There shall be no refund of fees paid.~~

37.32 Sec. 48. Minnesota Statutes 2008, section 326B.921, subdivision 7, is amended to read:

37.33 Subd. 7. **License fee, registration, and renewal fees.** ~~The department shall charge~~
37.34 ~~the following license fees:~~

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

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

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

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

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

38.6 ~~(f) application to inactivate a contracting high pressure pipefitter competency license~~
38.7 ~~or inactivate a journeyman high pressure pipefitter competency license, \$40; and~~

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

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

38.14 ~~Payment must accompany the application for a license or renewal of a license. There~~
38.15 ~~shall be no refund of fees paid.~~

38.16 For purposes of calculating license, registration, and renewal fees required under
38.17 section 326B.092:

38.18 (1) the registration of an unlicensed individual under subdivision 4 is an entry
38.19 level license;

38.20 (2) a journeyman high pressure pipefitter license is a journeyman license;

38.21 (3) a contracting high pressure pipefitter license is a master license; and

38.22 (4) a high pressure piping business license is a business license.

38.23 Sec. 49. Minnesota Statutes 2008, section 326B.922, is amended to read:

38.24 **326B.922 LICENSE APPLICATION AND RENEWAL.**

38.25 (a) Application for a contracting high pressure pipefitter ~~competency or~~ a
38.26 journeyman high pressure pipefitter ~~competency~~, or a high pressure piping business
38.27 license shall be made to the department, with all fees required by section 326B.092.

38.28 (b) The applicant for a contracting high pressure pipefitter or a journeyman high
38.29 pressure pipefitter license shall be licensed only after passing an examination developed
38.30 and administered by the department in accordance with rules adopted by the board. ~~A~~
38.31 ~~competency license issued by the department shall expire on December 31 of each year. A~~
38.32 ~~renewal application must be received by the department within one year after expiration of~~
38.33 ~~the competency license. A license that has been expired for more than one year cannot~~
38.34 ~~be renewed, and can only be reissued if the applicant submits a new application for the~~

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39.1 ~~competency license, pays a new application fee, and retakes and passes the applicable~~
39.2 ~~license examination.~~

39.3 (c) All initial contracting high pressure pipefitter licenses, journeyman high pressure
39.4 pipefitter licenses, and high pressure piping business licenses are effective for more than
39.5 one calendar year and expire on December 31 of the year after the year in which the
39.6 application is made. The commissioner shall in a manner determined by the commissioner,
39.7 without the need for any rulemaking under chapter 14, phase in the renewal of contracting
39.8 high pressure pipefitter, journeyman high pressure pipefitter, and high pressure piping
39.9 business licenses from one year to two years. By June 30, 2012, all such licenses shall be
39.10 two-year licenses.

39.11 Sec. 50. Minnesota Statutes 2009 Supplement, section 326B.94, subdivision 4, is
39.12 amended to read:

39.13 Subd. 4. **Examinations, licensing.** Every individual that operates a boat must hold
39.14 a current master's license issued by the commissioner, unless the individual holds a valid,
39.15 unlimited, current United States Coast Guard master's license. The commissioner shall
39.16 develop and administer an examination for all masters of boats carrying passengers for
39.17 hire on the inland waters of the state as to their qualifications and fitness. If found qualified
39.18 and competent to perform their duties as a master of a boat carrying passengers for hire,
39.19 they shall be issued a license authorizing them to act as such on the inland waters of
39.20 the state. All initial master's licenses shall be for two years. The commissioner shall in
39.21 a manner determined by the commissioner, without the need for any rulemaking under
39.22 chapter 14, phase in the renewal of master's licenses from one year to two years. By June
39.23 30, 2011, all renewed master's licenses shall be two-year licenses. Fees for the original
39.24 issue and renewal of the license authorized under this section shall be pursuant to section
39.25 ~~326B.986, subdivision 2~~ 326B.092.

39.26 Sec. 51. Minnesota Statutes 2008, section 326B.978, subdivision 2, is amended to read:

39.27 Subd. 2. **Applications.** Any individual who desires an engineer's license shall
39.28 submit an application on a written or electronic form prescribed by the commissioner, ~~at~~
39.29 ~~least 15 days before the requested exam date. If the commissioner approves the applicant~~
39.30 ~~for examination, the applicant may take the examination on one occasion within one~~
39.31 ~~year from the date the commissioner receives the application with all fees required by~~
39.32 section 326B.092.

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40.1 Sec. 52. Minnesota Statutes 2008, section 326B.978, is amended by adding a
40.2 subdivision to read:

40.3 Subd. 19. **Applicability.** This section shall not apply to traction or hobby boiler
40.4 engineer's licenses or provisional licenses.

40.5 Sec. 53. Minnesota Statutes 2009 Supplement, section 326B.986, subdivision 5,
40.6 is amended to read:

40.7 Subd. 5. **Boiler engineer license fees.** ~~(a) For the following licenses, the~~
40.8 ~~nonrefundable license and application fee is:~~

40.9 ~~(1) chief engineer's license, \$70;~~

40.10 ~~(2) first class engineer's license, \$70;~~

40.11 ~~(3) second class engineer's license, \$70;~~

40.12 ~~(4) special engineer's license, \$40;~~

40.13 ~~(5) traction or hobby boiler engineer's license, \$50; and~~

40.14 ~~(6) provisional license, \$50.~~

40.15 ~~(b) An engineer's license, except a provisional license, may be renewed upon~~
40.16 ~~application and payment of a renewal fee of \$20 for one year or \$40 for two years. If~~
40.17 ~~the renewal fee is paid later than 30 days after expiration, then a late fee of \$15 will be~~
40.18 ~~added to the renewal fee.~~

40.19 (a) For purposes of calculating license fees and renewal license fees required under
40.20 section 326B.092:

40.21 (1) the boiler special engineer license is an entry level license;

40.22 (2) the following licenses are journeyman licenses: first class engineer, Grade A;
40.23 first class engineer, Grade B; first class engineer, Grade C; second class engineer, Grade
40.24 A; second class engineer, Grade B; second class engineer, Grade C; and provisional
40.25 license; and

40.26 (3) the following licenses are master licenses: boiler chief engineer, Grade A; boiler
40.27 chief engineer, Grade B; boiler chief engineer, Grade C; boiler commissioner inspector; or
40.28 traction or hobby boiler engineer.

40.29 (b) Notwithstanding section 326B.092, subdivision 7, paragraph (a), the license
40.30 duration for steam traction and hobby engineer licenses are one year only for the purpose
40.31 of calculating license fees under section 326B.092, subdivision 7, paragraph (b).

40.32 Sec. 54. Minnesota Statutes 2008, section 327B.04, subdivision 2, is amended to read:

40.33 Subd. 2. **Subagency licenses.** Any dealer who has a place of business at more than
40.34 one location shall designate one location as its principal place of business, one name as its

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41.1 principal name, and all other established places of business as subagencies. A subagency
41.2 license shall be required for each subagency. Subagency license renewal must coincide
41.3 with the principal license date. No dealer shall do business as a dealer under any other
41.4 name than the name on its license.

41.5 Sec. 55. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 7, is
41.6 amended to read:

41.7 Subd. 7. **Licenses; ~~when granted~~ renewal.** In addition to the requirements of this
41.8 section, each application for a license or license renewal must be accompanied by a fee in
41.9 an amount established by subdivision 7a all applicable fees required by section 326B.092.
41.10 The fees shall be set in an amount which over the fiscal biennium will produce revenues
41.11 approximately equal to the expenses which the commissioner expects to incur during that
41.12 fiscal biennium while administering and enforcing sections 327B.01 to 327B.12. ~~The~~
41.13 ~~commissioner shall grant or deny a license application or a renewal application within 60~~
41.14 ~~days of its filing.~~ If the license is granted, the commissioner shall license the applicant as a
41.15 dealer or manufacturer for the remainder of the licensure period. Upon application by the
41.16 licensee, the commissioner shall renew the license for a two-year period, if:

- 41.17 (1) the renewal application satisfies the requirements of subdivisions 3 and 4;
- 41.18 (2) the renewal applicant has made all listings, registrations, notices and reports
41.19 required by the commissioner during the preceding licensure period; and
- 41.20 (3) the renewal applicant has paid all fees owed pursuant to sections 327B.01 to
41.21 327B.12 and all taxes, arrearages, and penalties owed to the state.

41.22 Sec. 56. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 7a,
41.23 is amended to read:

41.24 Subd. 7a. **Fees.** (a) Fees for licenses issued pursuant to this section ~~are as follows:~~
41.25 shall be calculated pursuant to section 326B.092.

- 41.26 ~~(1) initial dealer license for principal location, \$400. Fee is not refundable;~~
41.27 ~~(2) initial dealer license for subagency location, \$80;~~
41.28 ~~(3) dealer license biennial renewal, principal location, \$400; dealer subagency~~
41.29 ~~location biennial renewal, \$160. Subagency license renewal must coincide with the~~
41.30 ~~principal license date;~~
41.31 ~~(4) initial limited dealer license, \$200;~~
41.32 ~~(5) change of bonding company, \$10;~~
41.33 ~~(6) reinstatement of bond after cancellation notice has been received, \$10;~~
41.34 ~~(7) checks returned without payment, \$15; and~~

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42.1 ~~(8) change of address, \$10.~~

42.2 (b) All initial limited dealer licenses shall be effective for more than one calendar
42.3 year and shall expire on December 31 of the year after the year in which the application
42.4 is made.

42.5 ~~(c) The license fee for each renewed limited dealer license shall be \$100 for one year~~
42.6 ~~and \$200 for two years.~~ For the purposes of calculating fees under section 326B.092, any
42.7 license issued under this section is a business license, except that a subagency license is a
42.8 master license. The commissioner shall in a manner determined by the commissioner,
42.9 without the need for any rulemaking under chapter 14, phase in the renewal of limited
42.10 dealer licenses from one year to two years. By June 30, 2011, all renewed limited dealer
42.11 licenses shall be two-year licenses.

42.12 ~~(d) All fees are not refundable.~~

42.13 Sec. 57. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 8, is
42.14 amended to read:

42.15 Subd. 8. **Limited dealer's license.** The commissioner shall issue a limited dealer's
42.16 license to an owner of a manufactured home park authorizing the licensee as principal
42.17 only to engage in the sale, offering for sale, soliciting, or advertising the sale of used
42.18 manufactured homes located in the owned manufactured home park. The licensee must be
42.19 the title holder of the homes and may engage in no more than ten sales during each year of
42.20 the two-year licensure period. An owner may, upon payment of the applicable fee and
42.21 compliance with this subdivision, obtain a separate license for each owned manufactured
42.22 home park and is entitled to sell up to 20 homes per license period provided that only one
42.23 limited dealer license may be issued for each park. The license shall be issued after:

42.24 (1) receipt of an application on forms provided by the commissioner containing
42.25 the following information:

42.26 (i) the identity of the applicant;

42.27 (ii) the name under which the applicant will be licensed and do business in this state;

42.28 (iii) the name and address of the owned manufactured home park, including a copy
42.29 of the park license, serving as the basis for the issuance of the license;

42.30 (iv) the name, home, and business address of the applicant;

42.31 (v) the name, address, and telephone number of one individual that is designated
42.32 by the applicant to receive all communications and cooperate with all inspections and
42.33 investigations of the commissioner pertaining to the sale of manufactured homes in the
42.34 manufactured home park owned by the applicant;

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43.1 (vi) whether the applicant or its designated individual has been convicted of a crime
43.2 within the previous ten years that is either related directly to the business for which the
43.3 license is sought or involved fraud, misrepresentation or misuse of funds, or has suffered a
43.4 judgment in a civil action involving fraud, misrepresentation, or conversion within the
43.5 previous five years or has had any government license or permit suspended or revoked
43.6 as a result of an action brought by a federal or state governmental agency in this or any
43.7 other state within the last five years; and

43.8 (vii) the applicant's qualifications and business history, including whether the
43.9 applicant or its designated individual has ever been adjudged bankrupt or insolvent, or has
43.10 any unsatisfied court judgments outstanding against it or them;

43.11 (2) payment of the license fee established by subdivision 7a; and

43.12 (3) provision of a surety bond in the amount of \$5,000. A separate surety bond
43.13 must be provided for each limited license.

43.14 The applicant need not comply with section 327B.04, subdivision 4, paragraph (e).
43.15 The holding of a limited dealer's license does not satisfy the requirement contained in
43.16 section 327B.04, subdivision 4, paragraph (e), for the licensee or salespersons with respect
43.17 to obtaining a dealer license. The commissioner may, upon application for a renewal of a
43.18 license, require only a verification that copies of sales documents have been retained and
43.19 payment of the renewal ~~fee fees~~ established by ~~subdivision 7a~~ section 326B.092. "Sales
43.20 documents" mean only the safety feature disclosure form defined in section 327C.07,
43.21 subdivision 3a, title of the home, financing agreements, and purchase agreements.

43.22 The license holder shall, upon request of the commissioner, make available for
43.23 inspection during business hours sales documents required to be retained under this
43.24 subdivision.

43.25 Sec. 58. Minnesota Statutes 2009 Supplement, section 327B.041, is amended to read:

43.26 **327B.041 MANUFACTURED HOME INSTALLERS.**

43.27 (a) Manufactured home installers are subject to all of the fees in section 326B.092
43.28 and the requirements of sections 326B.802 to 326B.885, except for the following:

43.29 (1) manufactured home installers are not subject to the continuing education
43.30 requirements of section 326B.821, but are subject to the continuing education requirements
43.31 established in rules adopted under section 327B.10;

43.32 (2) the examination requirement of section 326B.83, subdivision 3, for manufactured
43.33 home installers shall be satisfied by successful completion of a written examination
43.34 administered and developed specifically for the examination of manufactured home
43.35 installers. The examination must be administered and developed by the commissioner. The

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44.1 commissioner and the state building official shall seek advice on the grading, monitoring,
44.2 and updating of examinations from the Minnesota Manufactured Housing Association;

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

44.5 (4) a dealer or distributor who does not install or repair manufactured homes is
44.6 exempt from licensure under sections 326B.802 to 326B.885;

44.7 (5) the exemption under section 326B.805, subdivision 6, clause (5), does not
44.8 apply; and

44.9 (6) manufactured home installers are not subject to the contractor recovery fund
44.10 in section 326B.89.

44.11 (b) The commissioner may waive all or part of the requirements for licensure
44.12 as a manufactured home installer for any individual who holds an unexpired license or
44.13 certificate issued by any other state or other United States jurisdiction if the licensing
44.14 requirements of that jurisdiction meet or exceed the corresponding licensing requirements
44.15 of the department and the individual complies with section 326B.092, subdivisions 1
44.16 and 3 to 7. For the purposes of calculating fees under section 326B.092, licensure as a
44.17 manufactured home installer is a business license.

44.18 Sec. 59. **REVISOR'S INSTRUCTION.**

44.19 In Minnesota Rules, the Revisor of Statutes shall change all references to Minnesota
44.20 Rules, part 1350.8300 to Minnesota Statutes, section 327B.04.

44.21 Sec. 60. **REPEALER.**

44.22 (a) Minnesota Statutes 2008, sections 326B.133, subdivisions 9 and 10; 326B.37,
44.23 subdivision 13; 326B.475, subdivisions 5 and 6; 326B.56, subdivision 3; 326B.885,
44.24 subdivisions 3 and 4; and 326B.976, are repealed.

44.25 (b) Minnesota Statutes 2009 Supplement, section 326B.56, subdivision 4, is repealed.

44.26 (c) Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, and 4;
44.27 1350.7200, subpart 3; and 1350.8000, subpart 2, are repealed.

44.28 Sec. 61. **EFFECTIVE DATE.**

44.29 Sections 1 to 60 are effective January 1, 2012.