

**SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION**

S.F. No. 3692

(SENATE AUTHORS: JOHNSON STEWART)

DATE	D-PG	OFFICIAL STATUS
02/19/2026	6339	Introduction and first reading Referred to Commerce and Consumer Protection

1.1 A bill for an act

1.2 relating to trade regulations; requiring certain proof before some types of asphalt

1.3 can be legally sold; requiring business entities that perform commercial or retail

1.4 paving with hot mix or warm mix asphalt to register as construction contractors;

1.5 establishing civil and criminal penalties; amending Minnesota Statutes 2024,

1.6 section 326B.701, subdivision 1; proposing coding for new law in Minnesota

1.7 Statutes, chapter 325F.

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

1.9 Section 1. **325F.013 ASPHALT.**

1.10 Subdivision 1. **Definition.** For the purposes of this section, "person" means an individual,

1.11 sole proprietor, limited liability company, limited liability partnership, corporation,

1.12 partnership, incorporated or unincorporated association, joint stock company, or any other

1.13 legal or commercial entity.

1.14 Subd. 2. **Illegal purchase; criminal penalty.** A person who is not registered as a

1.15 construction contractor under section 326B.701 is guilty of a gross misdemeanor if the

1.16 person:

1.17 (1) purchases hot mix or warm mix asphalt for commercial or retail paving use;

1.18 (2) falsely represents to a seller of hot mix or warm mix asphalt that the person has a

1.19 valid construction contractor registration under section 326B.701; or

1.20 (3) falsely attests to a seller of hot mix or warm mix asphalt that the person is purchasing

1.21 hot mix or warm mix asphalt solely for personal use.

2.1 Subd. 3. **Illegal sale; civil penalty.** (a) The commissioner of labor and industry may
 2.2 assess a civil penalty on a person who sells hot mix or warm mix asphalt to a person who
 2.3 does not possess a valid construction contractor registration under section 326B.701, unless:

2.4 (1) the purchaser attests that the asphalt is solely for personal use; and

2.5 (2) the purchaser purchases from the seller no more than:

2.6 (i) five tons of asphalt in a single transaction; and

2.7 (ii) ten tons of asphalt in any 12-month period.

2.8 (b) The commissioner may impose a fine under this subdivision of:

2.9 (1) up to \$1,000 per violation; or

2.10 (2) up to \$3,000 per violation, if the commissioner (i) determines the seller knowingly
 2.11 or intentionally violated this subdivision, or (ii) previously imposed a civil penalty on the
 2.12 seller for a violation of this subdivision.

2.13 (c) A fine imposed under this subdivision may be recovered in a civil action in the name
 2.14 of the department brought in the district court of the county where the violation is alleged
 2.15 to have occurred or the district court where the commissioner has an office. The
 2.16 commissioner must deposit recovered civil penalties in the general fund.

2.17 Subd. 4. **Protection from civil liability.** A seller that cites subdivision 3 as the
 2.18 justification for refusing to sell hot mix or warm mix asphalt is not liable under civil law
 2.19 for refusing the sale.

2.20 **EFFECTIVE DATE.** This section is effective for violations and crimes committed on
 2.21 or after August 1, 2027.

2.22 Sec. 2. Minnesota Statutes 2024, section 326B.701, subdivision 1, is amended to read:

2.23 Subdivision 1. **Definitions.** The following definitions apply to this section:

2.24 (a) "Building construction or improvement services" means public or private sector
 2.25 commercial or residential building construction or improvement services or a commercial
 2.26 or retail paving with hot mix or warm mix asphalt.

2.27 (b) "Business entity" means a person as that term is defined in paragraph (h), except the
 2.28 term does not include an individual.

2.29 (c) "Commissioner" means the commissioner of labor and industry or a duly designated
 2.30 representative of the commissioner who is either an employee of the Department of Labor
 2.31 and Industry or person working under contract with the Department of Labor and Industry.

3.1 (d) "Day" means calendar day unless otherwise provided.

3.2 (e) "Department" means the Department of Labor and Industry.

3.3 (f) "Document" or "documents" includes papers; books; records; memoranda; data;
3.4 contracts; drawings; graphs; charts; photographs; digital, video, and audio recordings;
3.5 records; accounts; files; statements; letters; emails; invoices; bills; notes; and calendars
3.6 maintained in any form or manner.

3.7 (g) "Individual" means a human being.

3.8 (h) "Person" means any individual, sole proprietor, limited liability company, limited
3.9 liability partnership, corporation, partnership, incorporated or unincorporated association,
3.10 joint stock company, or any other legal or commercial entity.