

A bill for an act

relating to occupational licensing; modifying electrical licenses; amending Minnesota Statutes 2008, sections 326B.31, subdivisions 14, 15, 17, 25, 28, by adding subdivisions; 326B.32, subdivision 2; 326B.33, subdivisions 12, 17, 21, by adding a subdivision; 326B.35; 326B.36, subdivision 2; 326B.37, subdivision 6; Minnesota Statutes 2009 Supplement, section 326B.33, subdivision 19.

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

Section 1. Minnesota Statutes 2008, section 326B.31, subdivision 14, is amended to read:

Subd. 14. **Contractor.** "Contractor" means a person who performs or offers to perform any electrical work, with or without compensation, who is licensed as a contractor by the commissioner. A contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's or other personal license. Contractor includes electrical contractors, satellite antenna system contractors, and technology system contractors.

Sec. 2. Minnesota Statutes 2008, section 326B.31, subdivision 15, is amended to read:

Subd. 15. **Demarcation.** "Demarcation" means listed equipment as identified in Minnesota Rules, part 3800.3619, such as a transformer, uninterruptible power supply (UPS), battery, control panel, plug or cord and plug connection, or other device that isolates satellite broadcast communication systems and technology circuits or systems from nontechnology circuits or systems that are not satellite broadcast communication systems or technology circuits or systems, ~~including plug or cord and plug connection.~~

Sec. 3. Minnesota Statutes 2008, section 326B.31, subdivision 17, is amended to read:

Subd. 17. **Electrical work.** "Electrical work" means the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for electrical light, heat, power, satellite broadcast communication systems, technology circuits or systems, or other purposes. The installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for electrical light, heat, power, satellite broadcast communication systems, technology circuits or systems, or other purposes includes, but is not limited to, the performance of any work regulated by the standards referred to in section 326B.35.

Sec. 4. Minnesota Statutes 2008, section 326B.31, subdivision 25, is amended to read:

Subd. 25. **Power limited technician.** "Power limited technician" means an individual having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, plan, lay out, and supervise the installing, altering, and repairing of electrical wiring, apparatus, and equipment for satellite broadcast communication systems and technology circuits or systems, and who is licensed as a power limited technician by the commissioner.

Sec. 5. Minnesota Statutes 2008, section 326B.31, subdivision 28, is amended to read:

Subd. 28. **Responsible licensed individual.** A contractor's "responsible licensed individual" means the licensed Class A master electrician, Class B master electrician, master elevator constructor, satellite system installer, or power limited technician designated in writing by the contractor in the contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the contractor's compliance with sections 326B.31 to 326B.399 and all rules and orders adopted or issued under these sections. The terms "licensed responsible individual" and "licensed responsible master electrician or power limited technician" are synonymous.

Sec. 6. Minnesota Statutes 2008, section 326B.31, is amended by adding a subdivision to read:

Subd. 31. **Satellite broadcast communication system.** "Satellite broadcast communication system" means antenna and receiving equipment to receive and distribute communication signals from satellite sources as covered by the National Electrical Code, article 810. Satellite broadcast communication system is a subset of technology circuits and systems.

Sec. 7. Minnesota Statutes 2008, section 326B.31, is amended by adding a subdivision to read:

Subd. 32. **Satellite antenna system contractor.** "Satellite antenna system contractor" means a licensed contractor whose responsible licensed individual is a licensed satellite system installer.

Sec. 8. Minnesota Statutes 2008, section 326B.31, is amended by adding a subdivision to read:

Subd. 33. **Satellite system installer.** "Satellite system installer" means an individual having the necessary training, knowledge, and experience to plan, lay out, supervise, and install, maintain, and repair wiring, apparatus, and equipment for satellite broadcast communication systems.

Sec. 9. Minnesota Statutes 2008, section 326B.32, subdivision 2, is amended to read:

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

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

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

(3) adopt the Minnesota Electrical Code, which must be the most current edition of the National Electrical Code and any amendments thereto. The board shall adopt the most current edition of the National Electrical Code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b) and (c);

(4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;

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

(6) adopt rules that regulate continuing education for individuals licensed or registered as electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, satellite system

installers, and other persons who perform electrical work. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);

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

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

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

(10) approve license reciprocity agreements;

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

(12) recommend the fees for licenses and certifications.

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

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

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

Sec. 10. Minnesota Statutes 2008, section 326B.33, is amended by adding a subdivision to read:

Subd. 7a. **Satellite system installer.** (a) Except as otherwise provided by law, no individual shall install, alter, repair, plan, lay out, or supervise the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for satellite broadcast communication systems unless:

(1) the individual is licensed by the commissioner as a satellite system installer; and

(2) the electrical work is for a licensed contractor and the individual is an employee, partner, or officer of, or is the licensed contractor.

(b) An applicant for a satellite system installer license shall have completed the National Standards and Testing Program for satellite system installers sponsored by the Satellite Broadcasting and Communication Association of America, Inc., or other program approved by the board, and have passed an examination administered by the commissioner.

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

Sec. 11. Minnesota Statutes 2008, section 326B.33, subdivision 12, is amended to read:

Subd. 12. **Unlicensed individuals.** (a) An unlicensed individual means an individual who has not been licensed by the department to perform specific electrical work. An unlicensed individual shall not perform electrical work required to be performed by a licensed individual unless the individual has first registered with the department as an unlicensed individual. Thereafter, an unlicensed individual shall not perform electrical work required to be performed by a licensed individual unless the work is performed under the direct supervision of an individual actually licensed to perform such work. The licensed individual and unlicensed individual must be employed by the same employer. Licensed individuals shall not permit unlicensed individuals to perform electrical work except under the direct supervision of an individual actually licensed to perform such work. Unlicensed individuals shall not supervise the performance of electrical work or make assignments of electrical work to unlicensed individuals. Except for technology circuits or systems or satellite broadcast communication system work, licensed individuals shall supervise no more than two unlicensed individuals. For technology circuits or systems or satellite broadcast communication system work, licensed individuals shall supervise no more than three unlicensed individuals.

(b) Notwithstanding any other provision of this section, no individual other than a master electrician, satellite system installer, or power limited technician shall plan or lay out electrical wiring, apparatus, or equipment for light, heat, power, or other purposes, except circuits or systems exempted from personal licensing by subdivision 21, paragraph (b).

(c) Contractors employing unlicensed individuals to perform electrical work shall maintain records establishing compliance with this subdivision that shall identify all unlicensed individuals performing electrical work, except for individuals working on circuits or systems exempted from personal licensing by subdivision 21, paragraph (b), and shall permit the department to examine and copy all such records.

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

Sec. 12. Minnesota Statutes 2008, section 326B.33, subdivision 17, is amended to read:

Subd. 17. **Employment of master electrician, satellite system installer, or power limited technician.** (a) Each contractor must designate a responsible master electrician, satellite system installer, or power limited technician, who shall be responsible for the performance of all electrical work in accordance with the requirements of sections 326B.31 to 326B.399 or any rule or order adopted or issued under these sections. The classes of work that a licensed contractor is authorized to perform shall be limited to the classes of work that the responsible master electrician, satellite system installer, or power limited electrician is licensed to perform.

(b) When a contractor's license is held by an individual, sole proprietorship, partnership, limited liability company, or corporation and the individual, proprietor, one of the partners, one of the members, or an officer of the corporation, respectively, is not the responsible master electrician, satellite system installer, or power limited technician, all requests for inspection shall be signed by the responsible master electrician, satellite system installer, or power limited technician. If the contractor is an individual or a sole proprietorship, the responsible licensed individual must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed individual must be a general partner or managing employee. If the licensed contractor is a limited liability company, the responsible licensed individual must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed individual must be an officer or managing employee. If the responsible licensed individual is a managing employee, the responsible licensed individual must be actively engaged in performing electrical work on behalf of the contractor, and cannot be employed in any capacity as an electrician, installer, or technician by any other contractor or employer designated in subdivision 21. An individual may be the responsible licensed individual for only one contractor or employer.

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

Sec. 13. Minnesota Statutes 2009 Supplement, section 326B.33, subdivision 19, is amended to read:

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

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

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

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

Class A Master or master special electrician, including master elevator constructor: \$40 per year;

Class B Master: \$25 per year;

Satellite System Installer: \$15 per year;

Power Limited Technician: \$15 per year;

Class A Journeyman, Class B Journeyman, Installer, Elevator Constructor, Lineman, or Maintenance Electrician other than master special electrician: \$15 per year;

Contractor: \$100 per year;

Unlicensed individual registration: \$15 per year.

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

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

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

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

Sec. 14. Minnesota Statutes 2008, section 326B.33, subdivision 21, is amended to read:

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

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

(2) the individual is supervised by:

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

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

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

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

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

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

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

(4) satellite broadcast and communication systems.

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

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

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

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

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

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

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

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

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

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

Sec. 15. Minnesota Statutes 2008, section 326B.35, is amended to read:

326B.35 SAFETY STANDARDS.

All electrical wiring, apparatus and equipment for electrical light, heat and power, satellite broadcast and communication systems, and technology circuits or systems shall comply with the rules of the department and the board and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the rules and safety standards stated at the time the work is done in the then most current edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota Building Code is formulated pursuant to section 326B.106, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota Building Code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

Sec. 16. Minnesota Statutes 2008, section 326B.36, subdivision 2, is amended to read:

Subd. 2. **Satellite broadcast communication systems and technology systems.** (a) The installation of the satellite broadcast communication systems and technology circuits or systems described in paragraph (b), except:

- (1) minor work performed by a contractor;
- (2) work performed by a heating, ventilating, or air conditioning contractor as described in section 326B.38; and
- (3) work performed by cable company employees when installing cable communications systems or telephone company employees when installing telephone systems,

must be inspected as provided in this section for compliance with the applicable provisions of the National Electrical Code and the applicable provisions of the National Electrical Safety Code, as those codes were approved by the American National Standards Institute.

(b) The inspection requirements in paragraph (a) apply to:

- (1) class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3, except circuits that interconnect these systems exempted by section 326B.33, subdivision 21, paragraph (b), other than fire alarm; class 2 or class 3 circuits in

11.1 electrical cabinets, enclosures, or devices containing physically unprotected circuits other
11.2 than class 2 or class 3; or technology circuits and systems in hazardous classified locations
11.3 as covered by chapter 5 of the National Electrical Code;

11.4 (2) fire alarm systems, other than in one- or two-family dwellings, as defined in
11.5 articles 100 and 760 of the National Electrical Code;

11.6 (3) technology circuits and systems contained within critical care areas of health
11.7 care facilities as defined by the safety standards identified in section 326B.35, including,
11.8 but not limited to, anesthesia and resuscitative alarm and alerting systems, medical
11.9 monitoring, and nurse call systems;

11.10 (4) physical security systems within detention facilities; and

11.11 (5) circuitry and equipment for indoor lighting systems as defined in article 411
11.12 of the National Electrical Code.

11.13 (c) For the purposes of this subdivision "minor work" means the adjustment or repair
11.14 and replacement of worn or defective parts of a technology circuit or system. Minor work
11.15 may be inspected under this section at the request of the owner of the property or the
11.16 person doing the work.

11.17 (d) Notwithstanding this subdivision, if an electrical inspector observes that a
11.18 contractor, employer, or owner has not complied with accepted standards when the
11.19 work was performed, as provided in the most recent editions of the National Electrical
11.20 Code and the National Electrical Safety Code as approved by the American National
11.21 Standards Institute, the inspector may order the contractor, employer, or owner who has
11.22 performed the work to file a request for electrical inspection, pay an inspection fee, and
11.23 make any necessary repairs to comply with applicable standards and require that the
11.24 work be inspected.

11.25 Sec. 17. Minnesota Statutes 2008, section 326B.37, subdivision 6, is amended to read:

11.26 Subd. 6. **Additions to fees of subdivisions 3 to 5.** (a) The fee for the electrical
11.27 supply for each manufactured home park lot is \$35. This fee includes the service or
11.28 feeder conductors up to and including the service equipment or disconnecting means.
11.29 The fee for feeders and circuits that extend from the service or disconnecting means is
11.30 that specified in subdivision 4.

11.31 (b) The fee for each recreational vehicle site electrical supply equipment is \$6 for
11.32 each circuit originating within the equipment. The fee for recreational vehicle park
11.33 services, feeders, and circuits is that specified in subdivisions 3 and 4.

12.1 (c) The fee for each street, parking lot, or outdoor area lighting standard and each
12.2 traffic signal standard is \$5. Circuits originating within the standard or traffic signal
12.3 controller shall not be used when calculating the fee for each standard.

12.4 (d) The fee for transformers for light, heat, and power is \$15 for transformers rated up
12.5 to ten kilovolt-amperes and \$30 for transformers rated in excess of ten kilovolt-amperes.
12.6 The previous sentence does not apply to Class 1 transformers or power supplies for Class
12.7 1 power-limited circuits or to Class 2 or Class 3 transformers or power supplies.

12.8 (e) The fee for transformers and electronic power supplies for electric signs and
12.9 outline lighting is \$5 per unit.

12.10 (f) The fee for satellite broadcast communication systems and technology circuits or
12.11 systems, and circuits of less than 50 volts, is 75 cents for each system device or apparatus.

12.12 (g) The fee for each separate inspection of the bonding for a swimming pool, spa,
12.13 fountain, an equipotential plane for an agricultural confinement area, or similar installation
12.14 is \$35. Bonding conductors and connections require an inspection before being concealed.

12.15 (h) The fee for all wiring installed on center pivot irrigation booms is \$35 plus
12.16 \$5 for each electrical drive unit.

12.17 (i) The fee for retrofit modifications to existing lighting fixtures is 25 cents per
12.18 luminaire.

12.19 (j) When a separate inspection of a concrete-encased grounding electrode is
12.20 performed, the fee is \$35.

12.21 (k) The fees required by subdivisions 3 and 4 are doubled for installations over
12.22 600 volts.

12.23 Sec. 18. **EFFECTIVE DATE.**

12.24 Sections 1 to 17 are effective October 1, 2010.