

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2087

02/08/2012 Authored by LeMieur and Mahoney  
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act  
1.2 relating to labor and industry; making changes to the State Building Code;  
1.3 amending Minnesota Statutes 2010, sections 326B.092, subdivisions 2, 7;  
1.4 326B.103, subdivision 3; Minnesota Statutes 2011 Supplement, sections  
1.5 326B.46, subdivision 1a; 326B.49, subdivision 1; repealing Minnesota Rules,  
1.6 parts 1301.1201; 1302.0600; 3801.3640; 3801.3650; 3801.3660; 3801.3670;  
1.7 3801.3680; 3801.3690; 3801.3700; 3801.3710; 3801.3720; 3801.3730;  
1.8 3801.3740; 3801.3760; 3801.3790; 3801.3800.

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

1.10 Section 1. Minnesota Statutes 2010, section 326B.092, subdivision 2, is amended to  
1.11 read:

1.12 Subd. 2. **Licenses not requiring examination administered by commissioner.** If  
1.13 the applicant for a license is not required to pass an examination in order to obtain the  
1.14 license, or is required to pass an examination that is not administered by the commissioner,  
1.15 then the license fee must accompany the application for the license. If the application is  
1.16 for a license issued under sections 326B.802 to 326B.885 and is not an application for  
1.17 license renewal, then the contractor recovery fund fee required under section 326B.89,  
1.18 subdivision 3, is due ~~after the department has determined that the applicant meets the~~  
1.19 ~~qualifications for licensing and~~ before the license is issued.

1.20 Sec. 2. Minnesota Statutes 2010, section 326B.092, subdivision 7, is amended to read:

1.21 Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license  
1.22 ~~except a renewed license shall be the base license fee plus any applicable board fee, as~~  
1.23 ~~set forth in this subdivision. The license renewal fee for each renewed license is the~~  
1.24 base license fee plus any applicable board fee, continuing education fee, and contractor  
1.25 recovery fund fee and additional assessment, as set forth in this subdivision.

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

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

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

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

License Classification	License Duration		
	1 Year	2 Years	3 Years
Entry level	\$10	\$20	\$30
Journeyman	\$20	\$40	\$60
Master	\$40	\$80	\$120
Business	\$90	\$180	\$270

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

2.23 (e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to  
 2.24 326B.93, then a board fee must be included in the license fee and the renewal license fee.  
 2.25 The board fee for all license classifications shall be: \$4 if the license duration is one year;  
 2.26 \$8 if the license duration is two years; and \$12 if the license duration is three years.

2.27 (f) If the application is for the renewal of a license issued under sections 326B.802  
 2.28 to 326B.885, then the contractor recovery fund fee required under section 326B.89,  
 2.29 subdivision 3, and any additional assessment required under section 326B.89, subdivision  
 2.30 16, must be included in the license renewal fee.

2.31 Sec. 3. Minnesota Statutes 2010, section 326B.103, subdivision 3, is amended to read:

2.32 Subd. 3. **Agricultural building.** "Agricultural building" means a structure that is:

2.33 (1) on agricultural land as defined in determined by the governing assessor for the  
 2.34 municipality or county under section 273.13, subdivision 23;

2.35 (2) designed, constructed, and used to house farm implements, livestock, or  
 2.36 agricultural produce or products under section 273.13, subdivision 23, paragraph (e); and

3.1           (3) used by the owner, lessee, and sublessee of the building and members of their  
3.2 immediate families, their employees, and persons engaged in the pickup or delivery of  
3.3 agricultural produce or products.

3.4           Sec. 4. Minnesota Statutes 2011 Supplement, section 326B.46, subdivision 1a, is  
3.5 amended to read:

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

3.9           (b) An individual who is an employee working on the maintenance and repair of  
3.10 plumbing equipment, apparatus, or facilities owned or leased by the individual's employer  
3.11 and which is within the limits of property owned or leased, and operated or maintained by  
3.12 the individual's employer, shall not be required to maintain a contractor license as long  
3.13 as the employer has on file with the commissioner a current certificate of responsible  
3.14 individual. The responsible individual must be a master plumber or, in an area of the  
3.15 state that is not a city or town with a population of more than 5,000 according to the  
3.16 last federal census, a restricted master plumber. The certificate must be signed by the  
3.17 responsible individual and must state that the person signing the certificate is responsible  
3.18 for ensuring that the maintenance and repair work performed by the employer's employees  
3.19 complies with sections 326B.41 to 326B.49, all rules adopted under those sections and  
3.20 sections 326B.50 to 326B.59, and all orders issued under section 326B.082. The employer  
3.21 must pay a filing fee to file a certificate of responsible individual with the commissioner.  
3.22 The certificate shall expire two years from the date of filing. In order to maintain a  
3.23 current certificate of responsible individual, the employer must resubmit a certificate of  
3.24 responsible individual, with a filing fee, no later than two years from the date of the  
3.25 previous submittal. The filing of the certificate of responsible individual does not exempt  
3.26 any employee of the employer from the requirements of this chapter regarding individual  
3.27 licensing as a plumber or registration as ~~a plumber's apprentice~~ an unlicensed individual.

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

3.31           (d) A person may perform and offer to perform building sewer or water service  
3.32 installation without a contractor's license if the person is in compliance with the bond and  
3.33 insurance requirements of subdivision 2.

4.1 Sec. 5. Minnesota Statutes 2011 Supplement, section 326B.49, subdivision 1, is  
4.2 amended to read:

4.3 Subdivision 1. **Application, examination, and license fees.** (a) Applications for  
4.4 master and journeyman plumber's licenses shall be made to the commissioner, with  
4.5 all fees required by section 326B.092. Unless the applicant is entitled to a renewal,  
4.6 the applicant shall be licensed by the commissioner only after passing a satisfactory  
4.7 examination developed and administered by the commissioner, based upon rules adopted  
4.8 by the Plumbing Board, showing fitness.

4.9 (b) All initial journeyman plumber's licenses shall be effective for more than one  
4.10 calendar year and shall expire on December 31 of the year after the year in which the  
4.11 application is made. All master plumber's licenses shall expire on December 31 of each  
4.12 even-numbered year after issuance or renewal. The commissioner shall in a manner  
4.13 determined by the commissioner, without the need for any rulemaking under chapter 14,  
4.14 phase in the renewal of master and journeyman plumber's licenses from one year to two  
4.15 years. By June 30, 2011, all renewed master and journeyman plumber's licenses shall be  
4.16 two-year licenses.

4.17 (c) Applications for contractor licenses shall be made to the commissioner, with all  
4.18 fees required by section 326B.092. All contractor licenses shall expire on December 31 of  
4.19 each odd-numbered year after issuance or renewal.

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

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

4.24 (2) the following licenses shall be considered master licenses: master plumber and  
4.25 restricted master plumber;

4.26 (3) the following licenses shall be considered journeyman licenses: journeyman  
4.27 plumber and restricted journeyman plumber; and

4.28 (4) the registration of ~~a plumber's apprentice~~ an unlicensed individual under section  
4.29 326B.47, subdivision 3, shall be considered an entry level license.

4.30 (e) For each filing of a certificate of responsible individual by an employer, the  
4.31 fee is \$100.

4.32 (f) The commissioner shall charge each person giving bond under section 326B.46,  
4.33 subdivision 2, paragraph (b), a biennial bond filing fee of \$100, unless the person is a  
4.34 licensed contractor.

4.35 Sec. 6. **REPEALER.**

- 5.1 Minnesota Rules, parts 1301.1201; 1302.0600; 3801.3640; 3801.3650; 3801.3660;  
5.2 3801.3670; 3801.3680; 3801.3690; 3801.3700; 3801.3710; 3801.3720; 3801.3730;  
5.3 3801.3740; 3801.3760; 3801.3790; and 3801.3800, are repealed.