

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.44; 326B.46, as  
1.6 amended; 326B.47; 326B.475, subdivision 2; 326B.50, by adding subdivisions;  
1.7 326B.54; 326B.55, as amended if enacted; 326B.56, as amended; 326B.805,  
1.8 subdivision 6; 326B.83, subdivisions 1, 3, 6; 326B.865; 326B.921, subdivisions  
1.9 2, 4, 7; 326B.922; 326B.978, subdivision 2, by adding a subdivision; 327B.04,  
1.10 subdivision 2; Minnesota Statutes 2009 Supplement, sections 326B.33,  
1.11 subdivision 19; 326B.475, subdivision 4; 326B.49, subdivision 1; 326B.58;  
1.12 326B.815, subdivision 1; 326B.86, subdivision 1; 326B.94, subdivision 4;  
1.13 326B.986, subdivision 5; 327B.04, subdivisions 7, 7a, 8; 327B.041; proposing  
1.14 coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota  
1.15 Statutes 2008, sections 326B.133, subdivisions 9, 10; 326B.37, subdivision 13;  
1.16 326B.475, subdivisions 5, 6; 326B.56, subdivision 3; 326B.885, subdivisions 3,  
1.17 4; 326B.976; Minnesota Statutes 2009 Supplement, section 326B.56, subdivision  
1.18 4; Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, 4;  
1.19 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 \$50, 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 \$50, 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>\$40</u>	<u>\$80</u>	<u>\$120</u>
4.3	<u>Business</u>	<u>\$80</u>	<u>\$160</u>	<u>\$240</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.

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.

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~~

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.~~

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:

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

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:

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.44, is amended to read:

17.13            **326B.44 LOCAL REGULATIONS.**

17.14            Any of the following entities may, by ordinance, adopt local regulations providing  
17.15 for plumbing permits, approval of plans and specifications, and inspections of plumbing,  
17.16 which regulations are not in conflict with the plumbing code: any city having a system  
17.17 of waterworks or sewerage, regardless of population; any town having a population of  
17.18 5,000 or more according to the last federal census, exclusive of any statutory cities  
17.19 located therein; and the Metropolitan Airports Commission. No such entity shall prohibit  
17.20 ~~plumbers~~ plumbing contractors licensed by the commissioner from engaging in or working  
17.21 at the business of plumbing, except cities and statutory cities which, prior to April 21,  
17.22 1933, by ordinance required the licensing of plumbers. No such entity shall require any  
17.23 person who engages in the business of plumbing to post a bond as a prerequisite for  
17.24 engaging in the business of plumbing, except the bond to the state required under section  
17.25 326B.46 and except any performance bond required under a contract with the person  
17.26 for the performance of plumbing work for the entity. No such entity shall require any  
17.27 person who engages in the business of plumbing to maintain public liability insurance  
17.28 as a prerequisite for engaging in the business of plumbing, except the insurance required  
17.29 under section 326B.46 and except any public liability insurance required under a contract  
17.30 with the person for the performance of plumbing work for the entity. No city or town may  
17.31 require a license for persons performing building sewer or water service installation who  
17.32 have completed pipe laying training as prescribed by the commissioner of labor and  
17.33 industry. Any city by ordinance may prescribe regulations, reasonable standards, and  
17.34 inspections and grant permits to any person engaged in the business of installing water

18.1 softeners, who is not licensed as a ~~master plumber or journeyman plumber~~ contractor by  
18.2 the commissioner, to connect water softening and water filtering equipment to private  
18.3 residence water distribution systems, where provision has been previously made therefor  
18.4 and openings left for that purpose or by use of cold water connections to a domestic  
18.5 water heater; where it is not necessary to rearrange, make any extension or alteration of,  
18.6 or addition to any pipe, fixture or plumbing connected with the water system except to  
18.7 connect the water softener, and provided the connections so made comply with minimum  
18.8 standards prescribed by the Plumbing Board.

18.9 Sec. 25. Minnesota Statutes 2008, section 326B.46, as amended by Laws 2009, chapter  
18.10 78, article 5, section 14, and chapter 109, section 13, is amended to read:

18.11 **326B.46 LICENSING, BOND AND INSURANCE.**

18.12 Subdivision 1. **License required.** (a) No ~~person~~ individual shall engage in or work  
18.13 at the business of a master plumber, restricted master plumber, journeyman plumber,  
18.14 and restricted journeyman plumber unless licensed to do so by the ~~state~~ commissioner.  
18.15 A license is not required for individuals performing building sewer or water service  
18.16 installation who have completed pipe laying training as prescribed by the commissioner  
18.17 ~~of labor and industry~~. A master plumber may also work as a journeyman plumber, a  
18.18 restricted journeyman plumber, and a restricted master plumber. A journeyman plumber  
18.19 may also work as a restricted journeyman plumber. Anyone not so licensed may do  
18.20 plumbing work which complies with the provisions of the minimum standards prescribed  
18.21 by the Plumbing Board on premises or that part of premises owned and actually occupied  
18.22 by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

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

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

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

19.4            (b) An individual who is an employee working on the maintenance and repair of  
19.5 plumbing equipment, apparatus, or facilities owned or leased by the individual's employer  
19.6 and which is within the limits of property owned or leased, and operated or maintained by  
19.7 the individual's employer, shall not be required to maintain a contractor license as long  
19.8 as the employer has on file with the commissioner a current certificate of responsible  
19.9 person. The certificate must be signed by the responsible master plumber or, in an area of  
19.10 the state that is not a city or town with a population of more than 5,000 according to the  
19.11 last federal census, restricted master plumber, and must state that the person signing the  
19.12 certificate is responsible for ensuring that the maintenance and repair work performed by  
19.13 the employer's employees comply with sections 326B.41 to 326B.49, all rules adopted  
19.14 under those sections and sections 326B.50 to 326B.59, and all orders issued under section  
19.15 326B.082. The employer must pay a filing fee to file a certificate of responsible person  
19.16 with the commissioner. The certificate shall expire two years from the date of filing. In  
19.17 order to maintain a current certificate of responsible person, the employer must resubmit a  
19.18 certificate of responsible person, with a filing fee, no later than two years from the date of  
19.19 the previous submittal. The filing of the certificate of responsible person does not exempt  
19.20 any employee of the employer from the requirements of this chapter regarding individual  
19.21 licensing as a plumber or registration as a plumber's apprentice.

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

19.25            Subd. 1b. Employment of master plumber or restricted master plumber. (a)  
19.26 Each contractor must designate a responsible licensed plumber, who shall be responsible  
19.27 for the performance of all plumbing work in accordance with sections 326B.41 to  
19.28 326B.49, all rules adopted under these sections and sections 326B.50 to 326B.59, and all  
19.29 orders issued under section 326B.082. A plumbing contractor's responsible licensed  
19.30 plumber must be a master plumber. A restricted plumbing contractor's responsible licensed  
19.31 plumber must be a master plumber or a restricted master plumber. A plumbing contractor  
19.32 license authorizes the contractor to offer to perform and, through licensed and registered  
19.33 individuals, to perform plumbing work in all areas of the state. A restricted plumbing  
19.34 contractor license authorizes the contractor to offer to perform and, through licensed and  
19.35 registered individuals, to perform plumbing work in all areas of the state except in cities  
19.36 and towns with a population of more than 5,000 according to the last federal census.

20.1 (b) If the contractor is an individual or sole proprietorship, the responsible licensed  
20.2 plumber must be the individual, proprietor, or managing employee. If the contractor is  
20.3 a partnership, the responsible licensed plumber must be a general partner or managing  
20.4 employee. If the contractor is a limited liability company, the responsible licensed plumber  
20.5 must be a chief manager or managing employee. If the contractor is a corporation, the  
20.6 responsible licensed plumber must be an officer or managing employee. If the responsible  
20.7 licensed plumber is a managing employee, the responsible licensed plumber must be  
20.8 actively engaged in performing plumbing work on behalf of the contractor, and cannot be  
20.9 employed in any capacity as a plumber for any other contractor. An individual may be  
20.10 the responsible licensed plumber for only one contractor.

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

20.13 Subd. 2. **Bond; insurance.** ~~Any person contracting to do plumbing work must give~~  
20.14 As a condition of licensing, each contractor shall give and maintain bond to the state in the  
20.15 amount of at least \$25,000 for (1) all plumbing work entered into within the state or (2)  
20.16 all plumbing work and subsurface sewage treatment work entered into within the state.  
20.17 If the bond is for both plumbing work and subsurface sewage treatment work, the bond  
20.18 must comply with the requirements of this section and section 115.56, subdivision 2,  
20.19 paragraph (e). The bond shall be for the benefit of persons injured or suffering financial  
20.20 loss by reason of failure to comply with the requirements of the State Plumbing Code and,  
20.21 if the bond is for both plumbing work and subsurface sewage treatment work, financial  
20.22 loss by reason of failure to comply with the requirements of sections 115.55 and 115.56.  
20.23 The bond shall be filed with the commissioner and shall be written by a corporate surety  
20.24 licensed to do business in the state.

20.25 In addition, ~~each applicant for a master plumber license or restricted master plumber~~  
20.26 ~~license, or renewal thereof, shall provide evidence of~~ as a condition of licensing, each  
20.27 contractor shall have and maintain in effect public liability insurance, including products  
20.28 liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence  
20.29 and property damage insurance with limits of at least \$10,000. The insurance shall be  
20.30 written by an insurer licensed to do business in the state of Minnesota and each licensed  
20.31 master plumber shall maintain on file with the commissioner a certificate evidencing the  
20.32 insurance providing that the insurance shall not be canceled without the insurer first giving  
20.33 15 days written notice to the commissioner. ~~The term of the insurance shall be concurrent~~  
20.34 ~~with the term of the license.~~

20.35 Subd. 3. **Bond and insurance exemption.** ~~If a master plumber or restricted master~~  
20.36 ~~plumber who is in compliance with the bond and insurance requirements of subdivision 2,~~

21.1 ~~employs a licensed plumber, the employee plumber shall not be required to meet the bond~~  
21.2 ~~and insurance requirements of subdivision 2. An individual who is an employee working~~  
21.3 ~~on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or~~  
21.4 ~~leased by the individual's employer and which is within the limits of property owned or~~  
21.5 ~~leased, and operated or maintained by the individual's employer, shall not be required to~~  
21.6 ~~meet the bond and insurance requirements of subdivision 2.~~

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

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

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

21.22 Sec. 26. Minnesota Statutes 2008, section 326B.47, is amended to read:

21.23 **326B.47 PLUMBER'S APPRENTICES.**

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

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

21.28 (2) be an unlicensed individual registered with the commissioner under subdivision  
21.29 3.

21.30 (b) A plumber's apprentice is authorized to assist in the installation of plumbing  
21.31 only while under the direct supervision of a master, restricted master, journeyman, or  
21.32 restricted journeyman plumber. The master, restricted master, journeyman, or restricted  
21.33 journeyman plumber is responsible for ensuring that all plumbing work performed by the  
21.34 plumber's apprentice complies with the plumbing code. The supervising master, restricted  
21.35 master, journeyman, or restricted journeyman must be licensed and must be employed

22.1 by the same employer as the plumber's apprentice. Licensed individuals shall not permit  
22.2 plumber's apprentices to perform plumbing work except under the direct supervision of  
22.3 an individual actually licensed to perform such work. Plumber's apprentices shall not  
22.4 supervise the performance of plumbing work or make assignments of plumbing work  
22.5 to unlicensed individuals.

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

22.10 Subd. 2. **Journeyman exam.** A plumber's apprentice who has completed four  
22.11 years of practical plumbing experience is eligible to take the journeyman plumbing  
22.12 examination. Up to 24 months of practical plumbing experience prior to becoming a  
22.13 plumber's apprentice may be applied to the four-year experience requirement. However,  
22.14 none of this practical plumbing experience may be applied if the individual did not have  
22.15 any practical plumbing experience in the 12-month period immediately prior to becoming  
22.16 a plumber's apprentice. The Plumbing Board may adopt rules to evaluate whether  
22.17 the individual's past practical plumbing experience is applicable in preparing for the  
22.18 journeyman's examination. If two years after completing the training the individual has  
22.19 not taken the examination, the four years of experience shall be forfeited.

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

22.22 Subd. 3. **Registration, rules, applications, renewals, and fees.** An unlicensed  
22.23 individual may register by completing and submitting to the commissioner ~~a registration~~  
22.24 an application form provided by the commissioner, with all fees required by section  
22.25 326B.092. A completed ~~registration~~ application form must state the date the individual  
22.26 began training, the individual's age, schooling, previous experience, and employer,  
22.27 and other information required by the commissioner. The board may prescribe rules,  
22.28 not inconsistent with this section, for the registration of unlicensed individuals. ~~Each~~  
22.29 ~~applicant for initial registration as a plumber's apprentice shall pay the department an~~  
22.30 ~~application fee of \$25~~. Applications for initial registration may be submitted at any time.  
22.31 Registration must be renewed annually and shall be for the period from July 1 of each year  
22.32 to June 30 of the following year. ~~Applications for renewal registration must be received~~  
22.33 ~~by the commissioner by June 30 of each registration period on forms provided by the~~  
22.34 ~~commissioner, and must be accompanied by a fee of \$25. An application for renewal~~  
22.35 ~~registration received on or after July 1 in any year but no more than three months after~~  
22.36 ~~expiration of the previously issued registration must pay the past due renewal fee plus a~~

23.1 ~~late fee of \$25. No applications for renewal registration will be accepted more than three~~  
23.2 ~~months after expiration of the previously issued registration.~~

23.3 Sec. 27. Minnesota Statutes 2008, section 326B.475, subdivision 2, is amended to read:

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

23.7 Sec. 28. Minnesota Statutes 2009 Supplement, section 326B.475, subdivision 4,  
23.8 is amended to read:

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

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

23.20 Sec. 29. Minnesota Statutes 2009 Supplement, section 326B.49, subdivision 1, is  
23.21 amended to read:

23.22 Subdivision 1. **Application, examination, and license fees.** (a) Applications for  
23.23 master and journeyman plumber's license licenses shall be made to the commissioner, with  
23.24 fee all fees required by section 326B.092. Unless the applicant is entitled to a renewal,  
23.25 the applicant shall be licensed by the commissioner only after passing a satisfactory  
23.26 examination developed and administered by the commissioner, based upon rules adopted  
23.27 by the Plumbing Board, showing fitness. ~~Examination fees for both journeyman and~~  
23.28 ~~master plumbers shall be \$50 for each examination. Upon being notified of having~~  
23.29 ~~successfully passed the examination for original license the applicant shall submit an~~  
23.30 ~~application, with the license fee herein provided. The license fee for each initial master~~  
23.31 ~~plumber's license shall be \$240. The license fee for each initial journeyman plumber's~~  
23.32 ~~license shall be \$110.~~

24.1 (b) All initial ~~master and~~ journeyman plumber's licenses shall be effective for more  
24.2 than one calendar year and shall expire on December 31 of the year after the year in which  
24.3 the application is made. ~~The license fee for each renewal master plumber's license shall be~~  
24.4 ~~\$120 for one year or \$240 for two years. The license fee for each renewal journeyman~~  
24.5 ~~plumber's license shall be \$55 for one year or \$110 for two years. All master plumber's~~  
24.6 licenses shall expire on December 31 of each even-numbered year after issuance or  
24.7 renewal. The commissioner shall in a manner determined by the commissioner, without  
24.8 the need for any rulemaking under chapter 14, phase in the renewal of master and  
24.9 journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed  
24.10 master and journeyman plumber's licenses shall be two-year licenses.

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

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

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

24.23 (2) the following licenses shall be considered master licenses: master plumber and  
24.24 restricted master plumber;

24.25 (3) the following licenses shall be considered journeyman licenses: journeyman  
24.26 plumber and restricted journeyman plumber; and

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

24.29 (e) For each filing of a certificate of responsible person by an employer, the fee is  
24.30 \$100.

24.31 Sec. 30. Minnesota Statutes 2008, section 326B.50, is amended by adding a  
24.32 subdivision to read:

24.33 Subd. 1a. **Responsible licensed master.** "Responsible licensed master" means the  
24.34 licensed water conditioning master or licensed master plumber designated in writing by  
24.35 the water conditioning contractor in the water conditioning contractor's license application,



25.1 or in another manner acceptable to the commissioner, as the individual responsible for  
25.2 the water conditioning contractor's compliance with sections 326B.50 to 326B.59, all  
25.3 rules adopted under these sections, the Minnesota Plumbing Code, and all orders issued  
25.4 under section 326B.082.

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

25.7 Subd. 2a. **Water conditioning contractor.** "Water conditioning contractor"  
25.8 means a person who performs or offers to perform any water conditioning installation or  
25.9 water conditioning servicing, with or without compensation, who is licensed as a water  
25.10 conditioning contractor by the commissioner.

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

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

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

25.19 Subd. 3b. **Water conditioning master.** "Water conditioning master" means  
25.20 an individual who has demonstrated skill in planning, superintending, installing, and  
25.21 servicing water conditioning installations, and who is licensed by the commissioner as a  
25.22 water conditioning master.

25.23 Sec. 34. Minnesota Statutes 2008, section 326B.54, is amended to read:

25.24 **326B.54 VIOLATIONS TO BE REPORTED TO COMMISSIONER.**

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

26.1 Sec. 35. Minnesota Statutes 2008, section 326B.55, as amended by 2010 H.F. No. 927,  
26.2 section 13, if enacted, is amended to read:

26.3 **326B.55 LICENSING IN CERTAIN CITIES; QUALIFICATIONS; RULES.**

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

26.10 (b) Except as provided in paragraph (e), no person shall perform or offer to  
26.11 perform water conditioning installation or water conditioning servicing with or without  
26.12 compensation unless the person obtains a water conditioning contractor's license. A water  
26.13 conditioning contractor's license does not of itself qualify its holder to perform the water  
26.14 conditioning installation or water conditioning servicing authorized by holding a water  
26.15 conditioning master or water conditioning journeyman license.

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

26.22 If a water conditioning contractor employs a licensed master, restricted master,  
26.23 journeyman or restricted journeyman plumber, or a licensed water conditioning master  
26.24 or journeyman, then the licensed individual does not need a separate water conditioning  
26.25 contractor license to perform water conditioning installation or servicing on behalf of the  
26.26 employer within the scope of the individual's plumber license.

26.27 (d) No water conditioning contractor, water conditioning master, or water  
26.28 conditioning journeyman license is required:

26.29 (1) for exchanges of portable water conditioning equipment, ~~are performed by a~~  
26.30 ~~licensed water conditioning contractor or licensed water conditioning installer. Any~~  
26.31 ~~individual not so licensed may; or~~

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

27.1 Subd. 2. **Qualifications for licensing.** (a) A water conditioning contractor master  
27.2 license shall be issued only to an individual who has demonstrated skill in planning,  
27.3 superintending, and servicing water conditioning installations, and has successfully passed  
27.4 the examination for water conditioning contractors masters. A water conditioning installer  
27.5 journeyman license shall only be issued to an individual other than a water conditioning  
27.6 contractor master who has demonstrated practical knowledge of water conditioning  
27.7 installation, and has successfully passed the examination for water conditioning installers  
27.8 journeymen. A water conditioning installer journeyman must successfully pass the  
27.9 examination for water conditioning contractors masters before being licensed as a water  
27.10 conditioning contractor master.

27.11 (b) Each water conditioning contractor must designate a responsible licensed master  
27.12 plumber or a responsible licensed water conditioning master, who shall be responsible  
27.13 for the performance of all water conditioning installation and servicing in accordance  
27.14 with the requirements of sections 326B.50 to 326B.59, all rules adopted under these  
27.15 sections, the Minnesota Plumbing Code, and all orders issued under section 326B.082. If  
27.16 the water conditioning contractor is an individual or sole proprietorship, the responsible  
27.17 licensed master must be the individual, proprietor, or managing employee. If the water  
27.18 conditioning contractor is a partnership, the responsible licensed master must be a general  
27.19 partner or managing employee. If the water conditioning contractor is a limited liability  
27.20 company, the responsible licensed master must be a chief manager or managing employee.  
27.21 If the water conditioning contractor is a corporation, the responsible licensed master must  
27.22 be an officer or managing employee. If the responsible licensed master is a managing  
27.23 employee, the responsible licensed master must be actively engaged in performing water  
27.24 conditioning work on behalf of the water conditioning contractor, and cannot be employed  
27.25 in any capacity as a water conditioning master or water conditioning journeyman for any  
27.26 other water conditioning contractor. An individual must not be the responsible licensed  
27.27 master for more than one water conditioning contractor.

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

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

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

27.34 (1) license water conditioning contractors, water conditioning masters, and installers  
27.35 water conditioning journeymen; and

28.1 (2) collect ~~an examination fee from each examinee for a license as a water~~  
28.2 ~~conditioning contractor and an examination fee from each examinee for a license as a~~  
28.3 ~~water conditioning installer in an amount set forth in section 326B.58~~ the fees required by  
28.4 section 326B.092.

28.5 Subd. 4. Plumber's apprentices. (a) A plumber's apprentice who is registered  
28.6 under section 326B.47 is authorized to assist in water conditioning installation and water  
28.7 conditioning servicing only while under the direct supervision of a master plumber,  
28.8 journeyman plumber, water conditioning master, or water conditioning journeyman.  
28.9 The master or journeyman is responsible for ensuring that all water conditioning work  
28.10 performed by the plumber's apprentice complies with the plumbing code and rules  
28.11 adopted under sections 326B.50 to 326B.59. The supervising master or journeyman must  
28.12 be licensed and must be employed by the same employer as the plumber's apprentice.  
28.13 Licensed individuals shall not permit plumber's apprentices to perform water conditioning  
28.14 work except under the direct supervision of an individual actually licensed to perform  
28.15 such work. Plumber's apprentices shall not supervise the performance of plumbing work  
28.16 or make assignments of plumbing work to unlicensed individuals.

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

28.21 Sec. 36. Minnesota Statutes 2008, section 326B.56, as amended by Laws 2009, chapter  
28.22 78, article 5, section 18, is amended to read:

28.23 **326B.56 ~~ALTERNATIVE STATE BONDING AND INSURANCE~~**  
28.24 **REGULATION.**

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

28.32 (b) Each bond given to the state under this subdivision shall be in the total sum of  
28.33 \$3,000 conditioned upon the faithful and lawful performance of all water conditioning  
28.34 ~~contracting or installing work~~ installation or servicing done within the state. The bond  
28.35 shall be for the benefit of persons suffering injuries or damages due to the work. The bond

29.1 shall be filed with the commissioner and shall be written by a corporate surety licensed to  
29.2 do business in this state. The bond must remain in effect at all times while the application  
29.3 is pending and while the license is in effect.

29.4 Subd. 2. **Insurance.** (a) ~~Each applicant for a water conditioning contractor or~~  
29.5 ~~installer license or renewal thereof who is required by any political subdivision to maintain~~  
29.6 ~~insurance to obtain or maintain the license may comply with any political subdivision's~~  
29.7 ~~insurance requirement by maintaining~~ As a condition of licensing, each water conditioning  
29.8 contractor shall have and maintain in effect the insurance described in paragraph (b).

29.9 No applicant for a water conditioning contractor or ~~installer~~ license who maintains the  
29.10 insurance described in paragraph (b) shall be otherwise required to meet the insurance  
29.11 requirements of any political subdivision.

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

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

29.26 Subd. 4. **Fee.** (a) The commissioner shall collect a \$40 bond registration fee for  
29.27 one year or \$80 for two years from each applicant for issuance or renewal of a water  
29.28 conditioning contractor or installer license who elects to proceed under subdivisions  
29.29 1 and 2.

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

29.34 Sec. 37. Minnesota Statutes 2009 Supplement, section 326B.58, is amended to read:

29.35 **326B.58 FEES; RENEWAL.**

30.1           (a) ~~Examination fees for both water conditioning contractors and water conditioning~~  
30.2 ~~installers shall be \$50 for each examination. Each initial water conditioning contractor~~  
30.3 ~~and installer master and water conditioning journeyman license shall be effective for more~~  
30.4 ~~than one calendar year and shall expire on December 31 of the year after the year in which~~  
30.5 ~~the application is made. The license fee for each initial water conditioning contractor's~~  
30.6 ~~license shall be \$140, except that the license fee shall be \$105 if the application is~~  
30.7 ~~submitted during the last three months of the calendar year. The license fee for each~~  
30.8 ~~renewal water conditioning contractor's license shall be \$70 for one year or \$140 for two~~  
30.9 ~~years. The license fee for each initial water conditioning installer license shall be \$70,~~  
30.10 ~~except that the license fee shall be \$52.50 if the application is submitted during the last~~  
30.11 ~~three months of the calendar year. The license fee for each renewal water conditioning~~  
30.12 ~~installer license shall be \$35 for one year or \$70 for two years.~~

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

30.19           (c) ~~Any licensee who does not renew a license within two years after the license~~  
30.20 ~~expires is no longer eligible for renewal. Such an individual must retake and pass the~~  
30.21 ~~examination before a new license will be issued. A water conditioning contractor or water~~  
30.22 ~~conditioning installer who submits a license renewal application after the time specified~~  
30.23 ~~in rule but within two years after the license expired must pay all past due renewal fees~~  
30.24 ~~plus a late fee of \$25. All water conditioning contractor licenses shall expire on December~~  
30.25 ~~31 of the year after issuance or renewal.~~

30.26           (d) For purposes of calculating license fees and renewal fees required under section  
30.27 326B.092:

30.28           (1) a water conditioning journeyman license shall be considered a journeyman  
30.29 license;

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

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

30.32           Sec. 38. Minnesota Statutes 2008, section 326B.805, subdivision 6, is amended to read:

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

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

- 31.1 (2) a material person, manufacturer, or retailer furnishing finished products,  
31.2 materials, or articles of merchandise who does not install or attach the items;
- 31.3 (3) an owner of residential real estate who builds or improves any structure on  
31.4 residential real estate, if the building or improving is performed by the owner's bona fide  
31.5 employees or by individual owners personally. This exemption does not apply to an  
31.6 owner who constructs or improves property for purposes of speculation if the building  
31.7 or improving is performed by the owner's bona fide employees or by individual owners  
31.8 personally. A residential building contractor or residential remodeler will be presumed  
31.9 to be building or improving for purposes of speculation if the contractor or remodeler  
31.10 constructs or improves more than one property within any 24-month period;
- 31.11 (4) an architect or professional engineer engaging in professional practice as defined  
31.12 by section 326.02, subdivisions 2 and 3;
- 31.13 (5) a person whose total gross annual receipts for performing specialty skills for  
31.14 which licensure would be required under this section do not exceed \$15,000;
- 31.15 (6) a mechanical contractor;
- 31.16 (7) a plumber, electrician, or other person whose profession is otherwise subject to  
31.17 statewide licensing, when engaged in the activity which is the subject of that licensure;
- 31.18 (8) specialty contractors who provide only one special skill as defined in section  
31.19 326B.802;
- 31.20 (9) a school district, or a technical college governed under chapter 136F; and
- 31.21 (10) Habitat for Humanity and Builders Outreach Foundation, and their individual  
31.22 volunteers when engaged in activities on their behalf.

31.23 To qualify for the exemption in clause (5), a person must obtain a certificate of exemption  
31.24 from licensure from the commissioner. A certificate of exemption will be issued upon  
31.25 the applicant's filing with the commissioner, an affidavit stating that the applicant does  
31.26 not expect to exceed \$15,000 in gross annual receipts derived from performing services  
31.27 which require licensure under this section during the calendar year in which the affidavit  
31.28 is received. For the purposes of calculating fees under section 326B.092, a certificate of  
31.29 exemption is an entry level license. To renew the exemption in clause (5), the applicant  
31.30 must file an affidavit stating that the applicant did not exceed \$15,000 in gross annual  
31.31 receipts during the past calendar year. If a person, operating under the exemption in  
31.32 clause (5), exceeds \$15,000 in gross receipts during any calendar year, the person  
31.33 must immediately surrender the ~~exemption~~ certificate of exemption and apply for the  
31.34 appropriate license. The person must remain licensed until such time as the person's gross  
31.35 annual receipts during a calendar year fall below \$15,000. The person may then apply for  
31.36 an exemption for the next calendar year.

32.1 Sec. 39. Minnesota Statutes 2009 Supplement, section 326B.815, subdivision 1,  
32.2 is amended to read:

32.3 Subdivision 1. ~~Licensing fee Fees.~~ (a) ~~The licensing fee for persons licensed~~  
32.4 ~~pursuant to sections 326B.802 to 326B.885, except for manufactured home installers,~~  
32.5 ~~is \$200 for a two-year period. The~~ For the purposes of calculating fees under section  
32.6 326B.092, an initial or renewed residential contractor, residential remodeler, or residential  
32.7 roofer license is a business license. Notwithstanding section 326B.092, the licensing fee  
32.8 for manufactured home installers under section 327B.041 is \$300 for a three-year period.

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

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

32.19 Sec. 40. Minnesota Statutes 2008, section 326B.83, subdivision 1, is amended to read:

32.20 Subdivision 1. **Form.** (a) An applicant for a license under sections 326B.802 to  
32.21 326B.885 must submit an application, under oath and accompanied by the ~~license fee fees~~  
32.22 required by section 326B.815 326B.092, on a form prescribed by the commissioner.  
32.23 ~~Within 30 business days of receiving all required information, the commissioner must~~  
32.24 ~~act on the license request.~~

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

32.29 Sec. 41. Minnesota Statutes 2008, section 326B.83, subdivision 3, is amended to read:

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



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

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

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

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

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

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

33.14 Sec. 42. Minnesota Statutes 2008, section 326B.83, subdivision 6, is amended to read:

33.15 Subd. 6. **License.** A nonresident of Minnesota may be licensed as a residential  
33.16 building contractor, residential remodeler, residential roofer, or manufactured home  
33.17 installer upon compliance with all the provisions of sections 326B.092 to 326B.098 and  
33.18 326B.802 to 326B.885.

33.19 Sec. 43. Minnesota Statutes 2009 Supplement, section 326B.86, subdivision 1, is  
33.20 amended to read:

33.21 Subdivision 1. **Bond.** (a) Licensed manufactured home installers and licensed  
33.22 residential roofers must post a biennial surety bond in the name of the licensee with the  
33.23 commissioner, conditioned that the applicant shall faithfully perform the duties and in  
33.24 all things comply with all laws, ordinances, and rules pertaining to the license or permit  
33.25 applied for and all contracts entered into. The biennial bond must be continuous and  
33.26 maintained for so long as the licensee remains licensed. The aggregate liability of the  
33.27 surety on the bond to any and all persons, regardless of the number of claims made  
33.28 against the bond, may not exceed the amount of the bond. The bond may be canceled as  
33.29 to future liability by the surety upon 30 days' written notice mailed to the commissioner  
33.30 by regular mail.

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

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

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

34.1 Sec. 44. Minnesota Statutes 2008, section 326B.865, is amended to read:

34.2 **326B.865 SIGN CONTRACTOR; BOND.**

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

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

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

34.18 Sec. 45. Minnesota Statutes 2008, section 326B.921, subdivision 2, is amended to read:

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

34.22 A person must have at all times as a full-time employee at least one individual  
34.23 holding a contracting high pressure pipefitter competency license. Only full-time  
34.24 employees who hold contracting high pressure pipefitter licenses are authorized to obtain  
34.25 high pressure piping permits in the name of the business. The contracting high pressure  
34.26 pipefitter competency license holder can be the employee of only one high pressure piping  
34.27 business at a time. An application for a high pressure piping business license shall include  
34.28 a verified statement that the applicant or licensee has complied with this subdivision.

34.29 To retain its business license without reapplication, a person holding a high pressure  
34.30 piping business license that ceases to employ an individual holding a contracting high  
34.31 pressure pipefitter competency license shall have 60 days from the last day of employment  
34.32 of its previous contracting pipefitter competency license holder to employ another license  
34.33 holder. The department must be notified no later than five days after the last day of  
34.34 employment of the previous license holder.

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

35.6 The board shall prescribe by rule procedures for application for and issuance of  
35.7 business licenses.

35.8 Sec. 46. Minnesota Statutes 2008, section 326B.921, subdivision 4, is amended to read:

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

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

35.21 Sec. 47. Minnesota Statutes 2008, section 326B.921, subdivision 7, is amended to read:

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

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

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

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

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

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

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

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

35.33 ~~If an application for renewal of an active or inactive journeyman high pressure~~  
35.34 ~~pipefitter competency license or active or inactive contracting high pressure pipefitter~~

36.1 ~~competency license is received by the department after the date of expiration of the~~  
36.2 ~~license, a \$30 late renewal fee shall be added to the license renewal fee.~~

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

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

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

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

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

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

36.12 Sec. 48. Minnesota Statutes 2008, section 326B.922, is amended to read:

36.13 **326B.922 LICENSE APPLICATION AND RENEWAL.**

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

36.17 (b) The applicant for a contracting high pressure pipefitter or a journeyman high  
36.18 pressure pipefitter license shall be licensed only after passing an examination developed  
36.19 and administered by the department in accordance with rules adopted by the board. ~~A~~  
36.20 ~~competency license issued by the department shall expire on December 31 of each year. A~~  
36.21 ~~renewal application must be received by the department within one year after expiration of~~  
36.22 ~~the competency license. A license that has been expired for more than one year cannot~~  
36.23 ~~be renewed, and can only be reissued if the applicant submits a new application for the~~  
36.24 ~~competency license, pays a new application fee, and retakes and passes the applicable~~  
36.25 ~~license examination.~~

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

37.1 Sec. 49. Minnesota Statutes 2009 Supplement, section 326B.94, subdivision 4, is  
37.2 amended to read:

37.3 Subd. 4. **Examinations, licensing.** Every individual that operates a boat must hold  
37.4 a current master's license issued by the commissioner, unless the individual holds a valid,  
37.5 unlimited, current United States Coast Guard master's license. The commissioner shall  
37.6 develop and administer an examination for all masters of boats carrying passengers for  
37.7 hire on the inland waters of the state as to their qualifications and fitness. If found qualified  
37.8 and competent to perform their duties as a master of a boat carrying passengers for hire,  
37.9 they shall be issued a license authorizing them to act as such on the inland waters of  
37.10 the state. All initial master's licenses shall be for two years. The commissioner shall in  
37.11 a manner determined by the commissioner, without the need for any rulemaking under  
37.12 chapter 14, phase in the renewal of master's licenses from one year to two years. By June  
37.13 30, 2011, all renewed master's licenses shall be two-year licenses. Fees for the original  
37.14 issue and renewal of the license authorized under this section shall be pursuant to section  
37.15 ~~326B.986, subdivision 2~~ 326B.092.

37.16 Sec. 50. Minnesota Statutes 2008, section 326B.978, subdivision 2, is amended to read:

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

37.23 Sec. 51. Minnesota Statutes 2008, section 326B.978, is amended by adding a  
37.24 subdivision to read:

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

37.27 Sec. 52. Minnesota Statutes 2009 Supplement, section 326B.986, subdivision 5,  
37.28 is amended to read:

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

- 37.31 ~~(1) chief engineer's license, \$70;~~  
37.32 ~~(2) first class engineer's license, \$70;~~  
37.33 ~~(3) second class engineer's license, \$70;~~

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

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

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

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

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

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

38.11 (2) the following licenses are journeyman licenses: first class engineer, Grade A;  
38.12 first class engineer, Grade B; first class engineer, Grade C; second class engineer, Grade  
38.13 A; second class engineer, Grade B; second class engineer, Grade C; and provisional  
38.14 license; and

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

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

38.21 Sec. 53. Minnesota Statutes 2008, section 327B.04, subdivision 2, is amended to read:

38.22 Subd. 2. **Subagency licenses.** Any dealer who has a place of business at more than  
38.23 one location shall designate one location as its principal place of business, one name as its  
38.24 principal name, and all other established places of business as subagencies. A subagency  
38.25 license shall be required for each subagency. Subagency license renewal must coincide  
38.26 with the principal license date. No dealer shall do business as a dealer under any other  
38.27 name than the name on its license.

38.28 Sec. 54. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 7, is  
38.29 amended to read:

38.30 Subd. 7. **Licenses; ~~when granted renewal.~~** In addition to the requirements of this  
38.31 section, each application for a license or license renewal must be accompanied by a fee in  
38.32 an amount established by subdivision 7a all applicable fees required by section 326B.092.  
38.33 The fees shall be set in an amount which over the fiscal biennium will produce revenues  
38.34 approximately equal to the expenses which the commissioner expects to incur during that

39.1 fiscal biennium while administering and enforcing sections 327B.01 to 327B.12. ~~The~~  
39.2 ~~commissioner shall grant or deny a license application or a renewal application within 60~~  
39.3 ~~days of its filing.~~ If the license is granted, the commissioner shall license the applicant as a  
39.4 dealer or manufacturer for the remainder of the licensure period. Upon application by the  
39.5 licensee, the commissioner shall renew the license for a two-year period, if:

- 39.6 (1) the renewal application satisfies the requirements of subdivisions 3 and 4;  
39.7 (2) the renewal applicant has made all listings, registrations, notices and reports  
39.8 required by the commissioner during the preceding licensure period; and  
39.9 (3) the renewal applicant has paid all fees owed pursuant to sections 327B.01 to  
39.10 327B.12 and all taxes, arrearages, and penalties owed to the state.

39.11 Sec. 55. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 7a,  
39.12 is amended to read:

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

- 39.15 ~~(1) initial dealer license for principal location, \$400. Fee is not refundable;~~  
39.16 ~~(2) initial dealer license for subagency location, \$80;~~  
39.17 ~~(3) dealer license biennial renewal, principal location, \$400; dealer subagency~~  
39.18 ~~location biennial renewal, \$160. Subagency license renewal must coincide with the~~  
39.19 ~~principal license date;~~  
39.20 ~~(4) initial limited dealer license, \$200;~~  
39.21 ~~(5) change of bonding company, \$10;~~  
39.22 ~~(6) reinstatement of bond after cancellation notice has been received, \$10;~~  
39.23 ~~(7) checks returned without payment, \$15; and~~  
39.24 ~~(8) change of address, \$10.~~

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

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

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

40.1 Sec. 56. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 8, is  
40.2 amended to read:

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

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

40.14 (i) the identity of the applicant;

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

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

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

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

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

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

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

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



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

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

41.12 Sec. 57. Minnesota Statutes 2009 Supplement, section 327B.041, is amended to read:

41.13 **327B.041 MANUFACTURED HOME INSTALLERS.**

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

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

41.19 (2) the examination requirement of section 326B.83, subdivision 3, for manufactured  
41.20 home installers shall be satisfied by successful completion of a written examination  
41.21 administered and developed specifically for the examination of manufactured home  
41.22 installers. The examination must be administered and developed by the commissioner. The  
41.23 commissioner and the state building official shall seek advice on the grading, monitoring,  
41.24 and updating of examinations from the Minnesota Manufactured Housing Association;

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

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

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

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

41.33 (b) The commissioner may waive all or part of the requirements for licensure  
41.34 as a manufactured home installer for any individual who holds an unexpired license or  
41.35 certificate issued by any other state or other United States jurisdiction if the licensing

42.1 requirements of that jurisdiction meet or exceed the corresponding licensing requirements  
42.2 of the department and the individual complies with section 326B.092, subdivisions 1  
42.3 and 3 to 7. For the purposes of calculating fees under section 326B.092, licensure as a  
42.4 manufactured home installer is a business license.

42.5 Sec. 58. **REVISOR'S INSTRUCTION.**

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

42.8 Sec. 59. **REPEALER.**

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

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

42.13 (c) Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, and 4;  
42.14 1350.7200, subpart 3; and 1350.8000, subpart 2, are repealed.

42.15 Sec. 60. **EFFECTIVE DATE.**

42.16 Sections 1 to 59 are effective January 1, 2012.