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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 805

02/06/2017 Authored by Baker, Marquart, Poppe, O'Neill, Poston and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to construction codes; modifying water conditioning installation
1.3 requirements; amending Minnesota Statutes 2016, sections 326B.50, subdivisions
1.4 3, 4, by adding subdivisions; 326B.55; proposing coding for new law in Minnesota
1.5 Statutes, chapter 326B.

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

1.7 Section 1. Minnesota Statutes 2016, section 326B.50, subdivision 3, is amended to read:

1.8 Subd. 3. Water conditioning installation. "Water conditioning installation" means the
1.9 installation of appliances, appurtenances, and fixtures designed to treat water so as to alter,
1.10 modify, add or remove mineral, chemical or bacterial content, said installation to be made
1.11 in a water distribution system serving:

1.12 (1) a single family residential unit, which has been initially established by a licensed
1.13 plumber, and does not involve a direct connection without an air gap to a soil or waste pipe;
1.14 or

1.15 (2) a multifamily or nonresidential building, which has been initially established by a
1.16 licensed plumber and includes a valve that allows isolation of the water conditioning
1.17 installation, and does not involve piping greater than two-inch nominal pipe size or a direct
1.18 connection without an air gap to a soil or waste pipe.

1.19 Sec. 2. Minnesota Statutes 2016, section 326B.50, subdivision 4, is amended to read:

1.20 Subd. 4. Water conditioning servicing. "Water conditioning servicing" means the
1.21 servicing (including servicing prior to installation) of a repair and maintenance of an existing
1.22 water conditioning installation, including media loading, adjustment, or exchange of any

2.1 components within the installation, but not including any plumbing involving untreated  
 2.2 water to or treated water from the existing installation.

2.3 Sec. 3. Minnesota Statutes 2016, section 326B.50, is amended by adding a subdivision to  
 2.4 read:

2.5 Subd. 5. **Direct supervision.** The term "direct supervision," with respect to direct  
 2.6 supervision of a registered unlicensed individual, means that:

2.7 (1) at all times while the registered unlicensed individual is performing water conditioning  
 2.8 installation work, a direct supervisor is present at the location where the registered unlicensed  
 2.9 individual is working;

2.10 (2) the direct supervisor is physically present and immediately available to the registered  
 2.11 unlicensed individual at all times for assistance and direction;

2.12 (3) any form of electronic supervision does not meet the requirement of being physically  
 2.13 present;

2.14 (4) the direct supervisor reviews the water conditioning installation work performed by  
 2.15 the registered unlicensed individual before the water conditioning installation is operated;  
 2.16 and

2.17 (5) the direct supervisor determines that all water conditioning installation work  
 2.18 performed by the registered unlicensed individual is performed in compliance with sections  
 2.19 326B.50 to 326B.59, all rules adopted under these sections, the Minnesota Plumbing Code,  
 2.20 and all orders issued under section 326B.082.

2.21 Sec. 4. Minnesota Statutes 2016, section 326B.50, is amended by adding a subdivision to  
 2.22 read:

2.23 Subd. 6. **Direct supervisor.** "Direct supervisor" means a master plumber, journeyman  
 2.24 plumber, water conditioning master, or water conditioning journeyman responsible for  
 2.25 providing direct supervision of a registered unlicensed individual.

2.26 Sec. 5. Minnesota Statutes 2016, section 326B.55, is amended to read:

2.27 **326B.55 LICENSING; QUALIFICATIONS; RULES.**

2.28 Subdivision 1. **Licensing.** (a) Except as provided in paragraph (d), no individual shall  
 2.29 perform water conditioning installation ~~or water conditioning servicing~~ unless licensed by  
 2.30 the commissioner as a master plumber, journeyman plumber, water conditioning master,  
 2.31 or water conditioning journeyman, or, in all areas of the state except in cities and towns

3.1 with a population of more than 5,000 according to the last federal census, as a restricted  
3.2 master plumber or restricted journeyman plumber.

3.3 (b) Except as provided in paragraph ~~(e)~~ (d), no person shall perform or offer to perform  
3.4 water conditioning installation ~~or water conditioning servicing~~ with or without compensation  
3.5 unless the person obtains a water conditioning contractor's license. A water conditioning  
3.6 contractor's license does not of itself qualify its holder to perform the water conditioning  
3.7 installation ~~or water conditioning servicing~~ authorized by holding a water conditioning  
3.8 master or water conditioning journeyman license.

3.9 (c) Except as provided in paragraph (d), no person shall engage in or work at the business  
3.10 of water conditioning installation ~~or servicing~~ anywhere in the state unless at all times an  
3.11 individual licensed as a master plumber or water conditioning master by the commissioner,  
3.12 who is responsible for the proper installation ~~and servicing~~, is in charge of the water  
3.13 conditioning installation ~~and servicing work~~.

3.14 If a water conditioning contractor employs a licensed master, restricted master,  
3.15 journeyman or restricted journeyman plumber, or a licensed water conditioning master or  
3.16 journeyman, then the licensed individual does not need a separate water conditioning  
3.17 contractor license to perform water conditioning installation ~~or servicing~~ on behalf of the  
3.18 employer within the scope of the individual's plumber license.

3.19 (d) No water conditioning contractor, water conditioning master, or water conditioning  
3.20 journeyman license is required:

3.21 (1) for exchanges of portable water conditioning equipment; or

3.22 (2) for water conditioning servicing; or

3.23 (3) for an individual to perform water conditioning work that complies with the minimum  
3.24 standards prescribed by the Plumbing Board on premises or that part of premises owned  
3.25 and occupied by the individual as a residence, unless otherwise prohibited by a local  
3.26 ordinance. The scope of work that a master plumber, restricted master plumber, journeyman  
3.27 plumber, or restricted journeyman plumber is authorized to perform as an employee of a  
3.28 licensed water conditioning contractor shall be limited to the scope of work that the licensed  
3.29 water conditioning contractor is licensed to perform.

3.30 Subd. 2. **Qualifications for licensing.** (a) A water conditioning master license shall be  
3.31 issued only to an individual who has demonstrated skill in planning, superintending, ~~and~~  
3.32 servicing, and installing water conditioning installations, and has successfully passed the  
3.33 examination for water conditioning masters. A water conditioning journeyman license shall

4.1 only be issued to an individual other than a water conditioning master who has demonstrated  
 4.2 practical knowledge of water conditioning installation, and has successfully passed the  
 4.3 examination for water conditioning journeymen. A water conditioning journeyman must  
 4.4 successfully pass the examination for water conditioning masters before being licensed as  
 4.5 a water conditioning master.

4.6 (b) Each water conditioning contractor must designate a responsible licensed master  
 4.7 plumber or a responsible licensed water conditioning master, who shall be responsible for  
 4.8 the performance of all water conditioning installation ~~and servicing~~ in accordance with the  
 4.9 requirements of sections 326B.50 to 326B.59, all rules adopted under sections 326B.50 to  
 4.10 326B.59, the Minnesota Plumbing Code, and all orders issued under section 326B.082. If  
 4.11 the water conditioning contractor is an individual or sole proprietorship, the responsible  
 4.12 licensed master must be the individual, proprietor, or managing employee. If the water  
 4.13 conditioning contractor is a partnership, the responsible licensed master must be a general  
 4.14 partner or managing employee. If the water conditioning contractor is a limited liability  
 4.15 company, the responsible licensed master must be a chief manager or managing employee.  
 4.16 If the water conditioning contractor is a corporation, the responsible licensed master must  
 4.17 be an officer or managing employee. If the responsible licensed master is a managing  
 4.18 employee, the responsible licensed master must be actively engaged in performing water  
 4.19 conditioning work on behalf of the water conditioning contractor and cannot be employed  
 4.20 in any capacity as a water conditioning master or water conditioning journeyman for any  
 4.21 other water conditioning contractor. An individual must not be the responsible licensed  
 4.22 master for more than one water conditioning contractor.

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

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

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

4.29 (1) license water conditioning contractors, water conditioning masters, and water  
 4.30 conditioning journeymen; and

4.31 (2) collect the fees required by section 326B.092.

4.32 Subd. 4. **Plumber's apprentices.** (a) A plumber's apprentice who is registered under  
 4.33 section 326B.47 is authorized to assist in water conditioning installation ~~and water~~  
 4.34 ~~conditioning servicing~~ only while under the direct supervision of a master plumber,

5.1 journeyman plumber, water conditioning master, or water conditioning journeyman. The  
 5.2 master or journeyman is responsible for ensuring that all water conditioning installation  
 5.3 work performed by the plumber's apprentice complies with the plumbing code and rules  
 5.4 adopted under sections 326B.50 to 326B.59. The supervising master or journeyman must  
 5.5 be licensed and must be employed by the same employer as the plumber's apprentice.  
 5.6 Licensed individuals shall not permit plumber's apprentices to perform water conditioning  
 5.7 installation work except under the direct supervision of an individual actually licensed to  
 5.8 perform such work. Plumber's apprentices shall not supervise the performance of plumbing  
 5.9 installation work or make assignments of plumbing installation work to unlicensed  
 5.10 individuals.

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

5.15 **Sec. 6. [326B.555] REGISTERED UNLICENSED INDIVIDUALS.**

5.16 Subdivision 1. **Registration; supervision; records.** (a) All unlicensed individuals  
 5.17 engaged in water conditioning installation must be registered under subdivision 3.

5.18 (b) A registered unlicensed individual is authorized to assist in water conditioning  
 5.19 installations in a single family residential unit only when a master plumber, journeyman  
 5.20 plumber, water conditioning master, or water conditioning journeyman is available and  
 5.21 responsible for ensuring that all water conditioning installation work performed by the  
 5.22 unlicensed individual complies with the applicable provisions of the plumbing and water  
 5.23 conditioning codes and rules adopted pursuant to such codes. For all other water conditioning  
 5.24 installation work, the registered unlicensed individual must be under the direct supervision  
 5.25 of a responsible licensed master.

5.26 (c) Water conditioning contractors employing registered unlicensed individuals to perform  
 5.27 water conditioning installation work shall maintain records establishing compliance with  
 5.28 this subdivision that shall identify all unlicensed individuals performing water conditioning  
 5.29 installations, and shall permit the department to examine and copy all such records.

5.30 Subd. 2. **Journeyman exam.** A registered unlicensed individual who has completed  
 5.31 875 hours of practical water conditioning installation, servicing, and training is eligible to  
 5.32 take the water conditioning journeyman examination. Up to 100 hours of practical water  
 5.33 conditioning installation and servicing experience prior to becoming a registered unlicensed  
 5.34 individual may be applied to the practical experience requirement. However, none of this

6.1 practical experience may be applied if the unlicensed individual did not have any practical  
6.2 experience in the 12-month period immediately prior to becoming a registered unlicensed  
6.3 individual.

6.4 Subd. 3. **Registration, renewals, and fees.** An unlicensed individual may register by  
6.5 completing and submitting to the commissioner an application form provided by the  
6.6 commissioner, with all fees required by section 326B.58. A completed application form  
6.7 must state the date, the individual's age, schooling, previous experience and employer, and  
6.8 other information required by the commissioner. The plumbing board may prescribe rules,  
6.9 not inconsistent with this section, for the registration of unlicensed individuals. Applications  
6.10 for initial registration may be submitted at any time. Registration must be renewed annually  
6.11 and shall be for the period from July 1 of each year to June 30 of the following year.