

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

S.F. No. 3852

(SENATE AUTHORS: MCEWEN)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11634	Introduction and first reading Referred to Labor
03/25/2024		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to labor and industry; making policy and technical changes to construction

1.3 codes and licensing provisions; amending Minnesota Statutes 2022, sections

1.4 326B.0981, subdivisions 3, 4, 8; 326B.33, subdivisions 7, 21; 326B.36, subdivision

1.5 2; Minnesota Statutes 2023 Supplement, section 326B.36, subdivision 7.

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

1.7 Section 1. Minnesota Statutes 2022, section 326B.0981, subdivision 3, is amended to read:

1.8 Subd. 3. **Content.** (a) Continuing education consists of approved courses that impart

1.9 appropriate and related knowledge in the regulated industries pursuant to this chapter and

1.10 other applicable federal and state laws, rules, and regulations. Courses may include relevant

1.11 materials that are included in licensing exams subject to the limitations imposed in

1.12 subdivision 11. The burden of demonstrating that courses impart appropriate and related

1.13 knowledge is upon the person seeking approval or credit.

1.14 (b) Except as required for Internet continuing education, course examinations will not

1.15 be required for continuing education courses.

1.16 (c) If textbooks are not used as part of the course, the sponsor must provide students

1.17 with a syllabus containing the course title; the times and dates of the course offering; the

1.18 name, address, and telephone number of the course sponsor; the name and affiliation of the

1.19 instructor; and a detailed outline of the subject materials to be covered. Any written or

1.20 printed material given to students must be of readable quality and contain accurate and

1.21 current information.

1.22 (d) Upon completion of an approved course, licensees shall earn one hour of continuing

1.23 education credit for each classroom hour approved by the commissioner. Each continuing

2.1 education course must be attended in its entirety in order to receive credit for the number
2.2 of approved hours. Courses may be approved for full or partial credit, and for more than
2.3 one regulated industry.

2.4 (e) Continuing education credit in an approved course shall be awarded to presenting
2.5 instructors on the basis of one credit for each hour of the initial presentation. Continuing
2.6 education credits for completion of an approved course may only be used once for renewal
2.7 of a specific license.

2.8 (f) Courses will be approved using the following guidelines:

2.9 (1) course content must demonstrate significant intellectual or practical content and deal
2.10 with matters directly related to the practice in the regulated industry, workforce safety, or
2.11 the business of running a company in the regulated industry. Courses may also address the
2.12 professional responsibility or ethical obligations of a licensee related to work in the regulated
2.13 industry;

2.14 (2) the following courses may be approved if they are specifically designed for the
2.15 regulated industry and are in compliance with paragraph (g):

2.16 (i) courses approved by the Minnesota Board of Continuing Legal Education; or

2.17 (ii) courses approved by the International Code Council, National Association of Home
2.18 Building, or other nationally recognized professional organization of the regulated industry;
2.19 and

2.20 (3) courses must be presented and attended in a suitable classroom or construction setting,
2.21 except for Internet education courses which must meet the requirements of subdivision ~~5a~~
2.22 4. Courses presented via video recording, simultaneous broadcast, or teleconference may
2.23 be approved provided the sponsor is available at all times during the presentation, except
2.24 for Internet education courses which must meet the requirements of subdivision ~~5a~~ 4.

2.25 (g) The following courses will not be approved for credit:

2.26 (1) courses designed solely to prepare students for a license examination;

2.27 (2) courses in mechanical office skills, including typing, speed reading, or other machines
2.28 or equipment. Computer courses are allowed, if appropriate and related to the regulated
2.29 industry;

2.30 (3) courses in sales promotion, including meetings held in conjunction with the general
2.31 business of the licensee;

2.32 (4) courses in motivation, salesmanship, psychology, or personal time management;

3.1 (5) courses that are primarily intended to impart knowledge of specific products of
 3.2 specific companies, if the use of the product or products relates to the sales promotion or
 3.3 marketing of one or more of the products discussed; or

3.4 (6) courses where any of the educational content of the course is the State Building Code
 3.5 that include code provisions that have not been adopted into the State Building Code unless
 3.6 the course materials clarify that the code provisions have been officially adopted into a
 3.7 future version of the State Building Code and the effective date of enforcement.

3.8 (h) Nothing in this subdivision shall limit an authority expressly granted to the Board
 3.9 of Electricity, Board of High Pressure Piping Systems, or Plumbing Board.

3.10 Sec. 2. Minnesota Statutes 2022, section 326B.0981, subdivision 4, is amended to read:

3.11 Subd. 4. **Internet continuing education.** (a) The design and delivery of an Internet
 3.12 continuing education course must be approved by the International Distance Education
 3.13 Certification Center (IDECC) or the International Association for Continuing Education
 3.14 and Training (IACET) before the course is submitted for the commissioner's approval. The
 3.15 approval must accompany the course submitted.

3.16 (b) Paragraphs (a) and ~~(c)~~ (d) do not apply to approval of an Internet continuing education
 3.17 course for manufactured home installers. An Internet continuing education course for
 3.18 manufactured home installers must be approved by the United States Department of Housing
 3.19 and Urban Development or by the commissioner of labor and industry. The approval must
 3.20 accompany the course completion certificate issued to each student by the course sponsor.

3.21 (c) Paragraph (a) does not apply to approval of an Internet continuing education course
 3.22 for elevator constructors. An Internet continuing education course for elevator constructors
 3.23 must be approved by the commissioner of labor and industry. The approval must accompany
 3.24 the course completion certificate issued to each student by the course sponsor.

3.25 ~~(c)~~ (d) An Internet continuing education course must:

3.26 (1) specify the minimum computer system requirements;

3.27 (2) provide encryption that ensures that all personal information, including the student's
 3.28 name, address, and credit card number, cannot be read as it passes across the Internet;

3.29 (3) include technology to guarantee seat time;

3.30 (4) include a high level of interactivity;

3.31 (5) include graphics that reinforce the content;

4.1 (6) include the ability for the student to contact an instructor or course sponsor within
4.2 a reasonable amount of time;

4.3 (7) include the ability for the student to get technical support within a reasonable amount
4.4 of time;

4.5 (8) include a statement that the student's information will not be sold or distributed to
4.6 any third party without prior written consent of the student. Taking the course does not
4.7 constitute consent;

4.8 (9) be available 24 hours a day, seven days a week, excluding minimal downtime for
4.9 updating and administration, except that this provision does not apply to live courses taught
4.10 by an actual instructor and delivered over the Internet;

4.11 (10) provide viewing access to the online course at all times to the commissioner,
4.12 excluding minimal downtime for updating and administration;

4.13 (11) include a process to authenticate the student's identity;

4.14 (12) inform the student and the commissioner how long after its purchase a course will
4.15 be accessible;

4.16 (13) inform the student that license education credit will not be awarded for taking the
4.17 course after it loses its status as an approved course;

4.18 (14) provide clear instructions on how to navigate through the course;

4.19 (15) provide automatic bookmarking at any point in the course;

4.20 (16) provide questions after each unit or chapter that must be answered before the student
4.21 can proceed to the next unit or chapter;

4.22 (17) include a reinforcement response when a quiz question is answered correctly;

4.23 (18) include a response when a quiz question is answered incorrectly;

4.24 (19) include a final examination in which the student must correctly answer 70 percent
4.25 of the questions;

4.26 (20) allow the student to go back and review any unit at any time, except during the final
4.27 examination;

4.28 (21) provide a course evaluation at the end of the course. At a minimum, the evaluation
4.29 must ask the student to report any difficulties caused by the online education delivery
4.30 method;

5.1 (22) provide a completion certificate when the course and exam have been completed
5.2 and the provider has verified the completion. Electronic certificates are sufficient and shall
5.3 include the name of the provider, date and location of the course, educational program
5.4 identification that was provided by the department, hours of instruction or continuing
5.5 education hours, and licensee's or attendee's name and license, certification, or registration
5.6 number or the last four digits of the licensee's or attendee's Social Security number; and

5.7 (23) allow the commissioner the ability to electronically review the class to determine
5.8 if credit can be approved.

5.9 ~~(d)~~ (e) The final examination must be either an encrypted online examination or a paper
5.10 examination that is monitored by a proctor who certifies that the student took the examination.

5.11 Sec. 3. Minnesota Statutes 2022, section 326B.0981, subdivision 8, is amended to read:

5.12 Subd. 8. **Facilities.** Except for Internet education offered pursuant to subdivision ~~5a~~ 4,
5.13 each course of study must be conducted in a classroom or other facility that is adequate to
5.14 comfortably accommodate the instructors and the number of students enrolled. The sponsor
5.15 may limit the number of students enrolled in a course.

5.16 Sec. 4. Minnesota Statutes 2022, section 326B.33, subdivision 7, is amended to read:

5.17 Subd. 7. **Power limited technician.** (a) Except as otherwise provided by law, no
5.18 individual shall install, alter, repair, plan, lay out, or supervise the installing, altering,
5.19 repairing, planning, or laying out of electrical wiring, apparatus, or equipment for technology
5.20 circuits or systems unless:

5.21 (1) the individual is licensed by the commissioner as a power limited technician; and

5.22 (2) the electrical work is:

5.23 (i) for a licensed contractor and the individual is an employee, partner, or officer of, or
5.24 is the licensed contractor; or

5.25 (ii) performed under the direct supervision of a master electrician or power limited
5.26 technician also employed by the individual's employer on technology circuits, systems,
5.27 apparatus, equipment, or facilities that are owned or leased by the employer and that are
5.28 located within the limits of property operated, maintained, and either owned or leased by
5.29 the employer.

5.30 (b) An applicant for a power limited technician's license shall (1) be a graduate of a
5.31 four-year electrical course offered by an accredited college or university; or (2) have had

6.1 at least 36 months' experience, acceptable to the commissioner, in planning for, laying out,
6.2 supervising, installing, altering, and repairing wiring, apparatus, or equipment for power
6.3 limited systems, provided however, that up to 12 months (2,000 hours) of experience credit
6.4 for successful completion of a two-year post high school electrical course or other technical
6.5 training approved by the commissioner may be allowed.

6.6 (c) Licensees must attain 16 hours of continuing education acceptable to the board every
6.7 renewal period.

6.8 ~~(d) A company holding an alarm and communication license as of June 30, 2003, may~~
6.9 ~~designate one individual who may obtain a power limited technician license without passing~~
6.10 ~~an examination administered by the commissioner by submitting an application and license~~
6.11 ~~fee of \$30.~~

6.12 ~~(e) A person who has submitted an application by December 30, 2007, to take the power~~
6.13 ~~limited technician examination administered by the department is not required to meet the~~
6.14 ~~qualifications set forth in paragraph (b).~~

6.15 Sec. 5. Minnesota Statutes 2022, section 326B.33, subdivision 21, is amended to read:

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

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

6.22 (2) the individual is supervised by:

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

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

6.28 (3) the individual's employer has on file with the commissioner a current certificate of
6.29 responsible person, signed by the responsible master electrician of the contractor, the licensed
6.30 master electrician, the licensed maintenance electrician, the electrical engineer, or the
6.31 licensed power limited technician, and stating that the person signing the certificate is
6.32 responsible for ensuring that the maintenance and repair work performed by the employer's

7.1 employees complies with the Minnesota Electrical Act and the rules adopted under that act.
7.2 The employer must pay a filing fee to file a certificate of responsible person with the
7.3 commissioner. The certificate shall expire two years from the date of filing. In order to
7.4 maintain a current certificate of responsible person, the employer must resubmit a certificate
7.5 of responsible person, with a filing fee, no later than two years from the date of the previous
7.6 submittal.

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

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

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

7.19 (3) technology circuits or systems in hazardous classified locations as covered by ~~chapter~~
7.20 ~~5~~ of the National Electrical Code.

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

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

7.29 (e) Employees of any electrical, communications, or railway utility, cable communications
7.30 company as defined in section 238.02, or a telephone company as defined under section
7.31 237.01 or its employees, or of any independent contractor performing work on behalf of
7.32 any such utility, cable communications company, or telephone company, shall not be required
7.33 to hold a license under sections 326B.31 to 326B.399:

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

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

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

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

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

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

8.19 (f) ~~An owner shall not be~~ individual who physically performs electrical work on a
8.20 residential dwelling that is located on a property the individual owns and actually occupies
8.21 as a residence or owns and will occupy as a residence upon completion of its construction
8.22 is not required to hold or obtain a license under sections 326B.31 to 326B.399 if the
8.23 residential dwelling has a separate electrical service utility not shared with any other
8.24 residential dwelling.

8.25 (g) Companies and their employees licensed under section 326B.164 shall not be required
8.26 to hold or obtain a license under sections 326B.31 to 326B.399 while performing elevator
8.27 work.

8.28 Sec. 6. Minnesota Statutes 2022, section 326B.36, subdivision 2, is amended to read:

8.29 Subd. 2. **Technology systems.** (a) The installation of the technology circuits or systems
8.30 described in paragraph (b), except:

8.31 (1) minor work performed by a contractor;

9.1 (2) work performed by a heating, ventilating, or air conditioning contractor as described
9.2 in section 326B.38; and

9.3 (3) work performed by cable company employees when installing cable communications
9.4 systems or telephone company employees when installing telephone systems,
9.5 must be inspected as provided in this section for compliance with the applicable provisions
9.6 of the National Electrical Code and the applicable provisions of the National Electrical
9.7 Safety Code, as those codes were approved by the American National Standards Institute.

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

9.9 (1) class 2 or class 3 remote control circuits that control circuits or systems other than
9.10 class 2 or class 3, except circuits that interconnect these systems exempted by section
9.11 326B.33, subdivision 21, paragraph (b), other than fire alarm; class 2 or class 3 circuits in
9.12 electrical cabinets, enclosures, or devices containing physically unprotected circuits other
9.13 than class 2 or class 3; or technology circuits and systems in hazardous classified locations
9.14 as covered by ~~chapter 5~~ of the National Electrical Code;

9.15 (2) fire alarm systems, other than in one- or two-family dwellings, as defined in ~~articles~~
9.16 ~~400 and 760~~ of the National Electrical Code;

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

9.21 (4) physical security systems within detention facilities; and.

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

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

9.28 (d) Notwithstanding this subdivision, if an electrical inspector observes that a contractor,
9.29 employer, or owner has not complied with accepted standards when the work was performed,
9.30 as provided in the most recent editions of the National Electrical Code and the National
9.31 Electrical Safety Code as approved by the American National Standards Institute, the
9.32 inspector may order the contractor, employer, or owner who has performed the work to file

10.1 ~~a request for electrical inspection~~ an electrical permit, pay an inspection fee, and make any
10.2 necessary repairs to comply with applicable standards and require that the work be inspected.

10.3 Sec. 7. Minnesota Statutes 2023 Supplement, section 326B.36, subdivision 7, is amended
10.4 to read:

10.5 Subd. 7. **Exemptions from inspections.** Installations, materials, or equipment shall not
10.6 be subject to inspection under sections 326B.31 to 326B.399:

10.7 (1) when owned or leased, operated and maintained by any employer whose maintenance
10.8 electricians are exempt from licensing under sections 326B.31 to 326B.399, while performing
10.9 electrical maintenance work only as defined by rule;

10.10 (2) when owned or leased, and operated and maintained by any electrical,
10.11 communications, or railway utility, cable communications company as defined in section
10.12 238.02, or telephone company as defined under section 237.01, in the exercise of its utility,
10.13 antenna, or telephone function; and

10.14 (i) are used exclusively for the generations, transformation, distribution, transmission,
10.15 load control, or metering of electric current, or the operation of railway signals, or the
10.16 transmission of intelligence, and do not have as a principal function the consumption or use
10.17 of electric current by or for the benefit of any person other than such utility, cable
10.18 communications company, or telephone company; and

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

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

10.23 (3) when used in the street lighting operations of an electrical utility;

10.24 (4) when used as outdoor area lights which are owned and operated by an electrical
10.25 utility and which are connected directly to its distribution system and located upon the
10.26 utility's distribution poles, and which are generally accessible only to employees of such
10.27 utility or persons acting under its control or direction;

10.28 (5) when the installation, material, and equipment are in facilities subject to the
10.29 jurisdiction of the federal Mine Safety and Health Act; or

10.30 (6) when the installation, material, and equipment is part of an elevator installation for
10.31 which the elevator contractor, licensed under section 326B.164, is required to obtain a permit
10.32 from the authority having jurisdiction as provided by section 326B.184, and the inspection

- 11.1 has been or will be performed by an elevator inspector certified and licensed by the
11.2 department. This exemption shall apply only to installations, material, and equipment
11.3 permitted or required to be connected on the load side of the disconnecting means required
11.4 for elevator equipment under the National Electrical Code ~~Article 620~~, and elevator
11.5 communications and alarm systems within the machine room, car, hoistway, or elevator
11.6 lobby.