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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **636**

02/18/2013 Authored by Nelson; Johnson, S.; Hilstrom and Hoppe

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy

1.1 A bill for an act
1.2 relating to labor; regulating employment in the elevator industry; amending
1.3 Minnesota Statutes 2012, sections 326.02, subdivision 5; 326B.163, by adding
1.4 subdivisions; 326B.191; 326B.33, subdivisions 19, 21; proposing coding for new
1.5 law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2012,
1.6 section 326B.31, subdivisions 18, 19, 22; Minnesota Rules, parts 3800.3520,
1.7 subpart 5, items C, D; 3800.3602, subpart 2, item B.

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

1.9 Section 1. Minnesota Statutes 2012, section 326.02, subdivision 5, is amended to read:

1.10 Subd. 5. **Limitation.** The provisions of sections 326.02 to 326.15 shall not apply
1.11 to the preparation of plans and specifications for the erection, enlargement, or alteration
1.12 of any building or other structure by any person, for that person's exclusive occupancy
1.13 or use, unless such occupancy or use involves the public health or safety or the health
1.14 or safety of the employees of said person, or of the buildings listed in section 326.03,
1.15 subdivision 2, nor to any detailed or shop plans required to be furnished by a contractor
1.16 to a registered engineer, landscape architect, architect, or certified interior designer,
1.17 nor to any standardized manufactured product, nor to any construction superintendent
1.18 supervising the execution of work designed by an architect, landscape architect, engineer,
1.19 or certified interior designer licensed or certified in accordance with section 326.03, nor
1.20 to the planning for and supervision of the construction and installation of work by an
1.21 electrical or elevator contractor or master plumber as defined in and licensed pursuant to
1.22 chapter 326B, where such work is within the scope of such licensed activity and not
1.23 within the practice of professional engineering, or architecture, or where the person does
1.24 not claim to be a certified interior designer as defined in subdivision 2, 3, or 4b.

2.1 Sec. 2. Minnesota Statutes 2012, section 326B.163, is amended by adding a
2.2 subdivision to read:

2.3 Subd. 9. **Direct supervision.** "Direct supervision" means:

2.4 (1) an unlicensed individual is being directly supervised by an individual licensed
2.5 to perform the elevator work being supervised during the entire time the unlicensed
2.6 individual is performing elevator work;

2.7 (2) the licensed individual is physically present at the location where the unlicensed
2.8 individual is performing elevator work and immediately available to the unlicensed
2.9 individual at all times for assistance and direction;

2.10 (3) the licensed individual shall review the elevator work performed by the
2.11 unlicensed individual before the elevator work is operated; and

2.12 (4) the licensed individual is able to and does determine that all elevator work
2.13 performed by the unlicensed individual is performed in compliance with the elevator code.

2.14 Sec. 3. Minnesota Statutes 2012, section 326B.163, is amended by adding a
2.15 subdivision to read:

2.16 Subd. 10. **Elevator contractor.** "Elevator contractor" means a licensed contractor
2.17 whose responsible licensed individual is a master elevator constructor. An elevator
2.18 contractor license does not itself qualify its holder to perform or supervise elevator work
2.19 authorized by holding a personal license issued by the commissioner.

2.20 Sec. 4. Minnesota Statutes 2012, section 326B.163, is amended by adding a
2.21 subdivision to read:

2.22 Subd. 11. **Limited elevator contractor.** "Limited elevator contractor" means a
2.23 licensed contractor whose responsible licensed individual is a limited master elevator
2.24 constructor. A limited elevator contractor or its employees may only install, test, or alter
2.25 elevator equipment in a residential dwelling.

2.26 Sec. 5. Minnesota Statutes 2012, section 326B.163, is amended by adding a
2.27 subdivision to read:

2.28 Subd. 12. **Elevator work.** "Elevator work" means the installing, maintaining,
2.29 altering, repairing, testing, planning, or laying out of elevator apparatus or equipment
2.30 as covered by Minnesota Rules, chapters 1307 and 1315. Elevator work also includes
2.31 the disconnection of electrical wiring and the decommissioning of elevator equipment
2.32 to enable safe removal.

3.1 Sec. 6. Minnesota Statutes 2012, section 326B.163, is amended by adding a
3.2 subdivision to read:

3.3 Subd. 13. **Master elevator constructor.** "Master elevator constructor" means
3.4 an individual having the necessary qualifications, training, experience, and technical
3.5 knowledge to properly plan, lay out, supervise, and perform the installation, maintenance,
3.6 altering, testing, wiring, and repair of apparatus and equipment for elevators, including
3.7 electrical wiring on the load side of the elevator equipment disconnect and who is licensed
3.8 as a master elevator constructor by the commissioner.

3.9 Sec. 7. Minnesota Statutes 2012, section 326B.163, is amended by adding a
3.10 subdivision to read:

3.11 Subd. 14. **Limited master elevator constructor.** "Limited master elevator
3.12 constructor" means an individual having the necessary qualifications, training, experience,
3.13 and technical knowledge to properly plan, lay out, supervise, and perform the testing,
3.14 altering installation, maintenance, and repair of wiring, apparatus, and equipment for
3.15 elevator equipment in residential dwellings, including wiring on the load side of the
3.16 elevator equipment disconnect and who is licensed as a limited master elevator constructor
3.17 by the commissioner.

3.18 Sec. 8. Minnesota Statutes 2012, section 326B.163, is amended by adding a
3.19 subdivision to read:

3.20 Subd. 15. **Journeyman elevator constructor.** "Journeyman elevator constructor"
3.21 means an individual having the necessary qualifications, training, experience, and
3.22 technical knowledge to install, maintain, alter, test, and repair apparatus and equipment for
3.23 elevators, including electrical wiring on the load side of the elevator equipment disconnect
3.24 and who is licensed as a journeyman elevator constructor by the commissioner.

3.25 Sec. 9. Minnesota Statutes 2012, section 326B.163, is amended by adding a
3.26 subdivision to read:

3.27 Subd. 16. **Registered unlicensed elevator constructor.** "Registered unlicensed
3.28 elevator constructor" means an individual who has registered with the department but is
3.29 not licensed by the commissioner to perform elevator work.

3.30 Sec. 10. Minnesota Statutes 2012, section 326B.163, is amended by adding a
3.31 subdivision to read:

4.1 Subd. 17. **Residential dwelling.** "Residential dwelling" is a single dwelling unit
4.2 that is contained in a one-family, two-family, or multifamily dwelling. A residential
4.3 dwelling also includes outdoor space at a one-family dwelling.

4.4 Sec. 11. Minnesota Statutes 2012, section 326B.163, is amended by adding a
4.5 subdivision to read:

4.6 Subd. 18. **Responsible licensed individual.** "Responsible licensed individual"
4.7 means an individual licensed as a master elevator constructor or limited master elevator
4.8 constructor and who is identified as the responsible licensed individual on an elevator
4.9 contractor license application.

4.10 Sec. 12. **[326B.164] LICENSES.**

4.11 Subdivision 1. **Master elevator constructor.** (a) Except as otherwise provided by
4.12 law, no individual shall perform or supervise elevator work, unless the individual is:

4.13 (1) licensed by the commissioner as a master elevator constructor; and

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

4.16 (b) An applicant for a master elevator constructor license shall:

4.17 (1) have at least one year of experience, acceptable to the commissioner, as a
4.18 licensed journeyman elevator constructor; or

4.19 (2) have at least six years experience, acceptable to the commissioner, in planning
4.20 for, laying out, supervising and installing apparatus, equipment, and wiring for elevators.

4.21 (c) Individuals licensed as master elevator constructors under section 326B.33,
4.22 subdivision 11, as of December 31, 2013, shall not be required to pass an examination
4.23 under this section but, effective January 1, 2014, shall be subject to the requirements of
4.24 sections 326B.163 to 326B.191.

4.25 (d) Except for the initial license term, as a condition of license renewal, master
4.26 elevator constructors must attain a minimum of 16 hours of continuing education credit
4.27 approved by the commissioner every renewal period. Not less than 12 hours shall be based
4.28 on the Minnesota Elevator Code or elevator technology, and not less than four hours shall
4.29 be based on the National Electrical Code.

4.30 Subd. 2. **Limited master elevator constructor.** (a) Except as otherwise provided
4.31 by law, no individual shall perform or supervise elevator work in a residential dwelling
4.32 unless the individual is:

4.33 (1) licensed by the commissioner as a limited master elevator constructor; and

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

5.3 (b) An applicant for a limited master elevator constructor license shall have at
5.4 least two years of experience acceptable to the commissioner in installing apparatus,
5.5 equipment, and wiring for elevators.

5.6 (c) Except for the initial license term, as a condition of license renewal, limited
5.7 master elevator constructors must attain a minimum of eight hours of continuing education
5.8 credit approved by the commissioner every renewal period. Not less than six hours shall
5.9 be based on the Minnesota Elevator Code or elevator technology, and not less than two
5.10 hours on the National Electrical Code.

5.11 Subd. 3. **Journeyman elevator constructor.** (a) Except as otherwise provided
5.12 by law, no individual shall perform and supervise elevator work except for planning or
5.13 laying out of elevator work, unless:

5.14 (1) the individual is licensed by the commissioner as a journeyman elevator
5.15 constructor; and

5.16 (2) the elevator work is for an elevator contractor and the individual is an employee,
5.17 partner, or officer of the licensed elevator contractor.

5.18 (b) An applicant for a journeyman elevator constructor license shall have completed
5.19 a four-year apprenticeship registered with the United States Department of Labor or
5.20 worked at least 9,000 hours in five consecutive years for a licensed elevator contractor,
5.21 acceptable to the commissioner; installing, maintaining, modernizing, testing, wiring,
5.22 and repairing elevators.

5.23 (c) Individuals licensed as journeyman elevator constructors under section 326B.33,
5.24 subdivision 8, as of December 31, 2013, shall not be required to pass an examination
5.25 under this section but, effective January 1, 2014, shall be subject to the requirements of
5.26 sections 326B.163 to 326B.191.

5.27 (d) As a condition of license renewal, journeyman elevator constructors must attain
5.28 a minimum of 16 hours of continuing education credit approved by the commissioner
5.29 every renewal period. Not less than 12 hours shall be based on the Minnesota Elevator
5.30 Code or elevator technology, and not less than four hours shall be based on the National
5.31 Electrical Code.

5.32 Subd. 4. **Registered unlicensed elevator constructor.** (a) An unlicensed individual
5.33 shall not perform elevator work, unless the individual has first registered with the
5.34 department as an unlicensed elevator constructor. Except as allowed by subdivision 12, a
5.35 registered unlicensed elevator constructor shall not perform elevator work, unless the work
5.36 is performed under the direct supervision of an individual actually licensed to perform

6.1 such work. The licensed elevator constructor and the registered unlicensed elevator
6.2 constructor must be employed by the same employer. Unlicensed individuals shall not
6.3 supervise the performance of elevator work or make assignments of elevator work to
6.4 unlicensed individuals. Licensed elevator constructors shall provide direct supervision for
6.5 no more than two registered unlicensed elevator constructors.

6.6 (b) Notwithstanding any other provision of this section, no individual other than a
6.7 master elevator constructor or limited master elevator constructor shall plan or lay out
6.8 elevator wiring, apparatus, or equipment.

6.9 (c) Contractors employing registered unlicensed elevator constructors performing
6.10 elevator work shall maintain records establishing compliance with this subdivision that
6.11 shall identify all unlicensed individuals performing elevator work and shall permit the
6.12 department to examine and copy all such records.

6.13 (d) When a licensed elevator constructor supervises the elevator work of an
6.14 unlicensed individual, the licensed elevator constructor is responsible for ensuring that the
6.15 elevator work complies with this section and the Minnesota Elevator Code.

6.16 (e) A registered unlicensed elevator constructor with a minimum of one year
6.17 experience may perform the following maintenance tasks for elevator equipment without
6.18 being provided with direct supervision: oiling, cleaning, greasing, painting, relamping,
6.19 and replacing of escalator and moving walk comb teeth.

6.20 Subd. 5. **Registration of unlicensed individuals.** (a) Unlicensed individuals
6.21 performing elevator work for a contractor shall register with the department in the manner
6.22 prescribed by the commissioner. Experience credit for elevator work performed in
6.23 Minnesota after January 1, 2009, by an applicant for a license identified in this section
6.24 shall not be granted where the applicant has not registered with the department or is
6.25 not licensed by the department.

6.26 (b) As a condition of renewal of their registration, unlicensed individuals shall attain
6.27 a minimum of two hours of continuing education credit approved by the commissioner
6.28 every renewal period. The continuing education course shall be based on the Minnesota
6.29 Elevator Code or elevator technology.

6.30 (c) Individuals registered under section 326B.33, subdivision 13, whose registration
6.31 expires after July 31, 2013, shall be subject to the registration requirements of this
6.32 subdivision and the requirements of sections 326B.163 to 326B.191.

6.33 Subd. 6. **Contractor's license required.** (a) No individual, other than an employee,
6.34 partner, or officer of a licensed contractor, as defined by section 326B.163, subdivision
6.35 9, shall perform or offer to perform elevator work with or without compensation, unless
6.36 the individual obtains a contractor's license. A contractor's license does not of itself

7.1 qualify its holder to perform or supervise the elevator work authorized by holding any
7.2 class of personal license.

7.3 (b) Companies licensed under section 326B.33, subdivision 14, as of July 31, 2013,
7.4 shall not be required to comply with this subdivision.

7.5 Subd. 7. **Bond required.** As a condition of licensing, each contractor shall give
7.6 and maintain bond to the state in the sum of \$25,000, conditioned upon the faithful and
7.7 lawful performance of all work contracted for or performed by the contractor within the
7.8 state of Minnesota, and such bond shall be for the benefit of persons injured or suffering
7.9 financial loss by reason of failure of such performance. The bond shall be filed with
7.10 the commissioner and shall be in lieu of all other license bonds to any other political
7.11 subdivision. The bond shall be written by a corporate surety licensed to do business
7.12 in the state of Minnesota.

7.13 Subd. 8. **Insurance required.** Each elevator contractor shall have and maintain
7.14 in effect general liability insurance, which includes premises and operations insurance
7.15 and products and completed operations insurance, with limits of at least \$100,000 per
7.16 occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance
7.17 with limits of at least \$50,000, or a policy with a single limit for bodily injury and property
7.18 damage of \$300,000 per occurrence and \$300,000 aggregate limits. The insurance shall be
7.19 written by an insurer licensed to do business in the state of Minnesota and each contractor
7.20 shall maintain on file with the commissioner a certificate evidencing such insurance. In the
7.21 event of a policy cancellation, the insurer shall send written notice to the commissioner at
7.22 the same time that a cancellation request is received from or a notice is sent to the insured.

7.23 Subd. 9. **Employment of responsible individual.** (a) Each elevator contractor
7.24 must designate a responsible master elevator constructor or limited master elevator
7.25 constructor who shall be the responsible individual for the performance of all elevator
7.26 work in accordance with the requirements of sections 326B.163 to 326B.191, all rules
7.27 adopted under these sections, and all orders issued under section 326B.082. The classes of
7.28 work that a licensed contractor is authorized to perform shall be limited to the classes of
7.29 work that the responsible individual is allowed to perform.

7.30 (b) When a contractor's license is held by an individual, sole proprietorship,
7.31 partnership, limited liability company, or corporation, and the individual, proprietor, one
7.32 of the partners, one of the members, or an officer of the corporation, respectively, is not the
7.33 responsible master elevator constructor or limited master elevator constructor, all elevator
7.34 permits shall be submitted by the responsible master elevator constructor or limited
7.35 master elevator constructor. If the contractor is an individual or a sole proprietorship,
7.36 the responsible master or limited master elevator constructor must be the individual,

8.1 proprietor, or managing employee. If the contractor is a partnership, the responsible
8.2 master or limited master elevator constructor must be a general partner or managing
8.3 employee. If the licensed contractor is a limited liability company, the responsible master
8.4 or limited master elevator constructor must be a chief manager or managing employee.
8.5 If the contractor is a corporation, the responsible master or limited master elevator
8.6 constructor must be an officer or managing employee. If the responsible master or limited
8.7 master elevator constructor is a managing employee, the responsible individual must be
8.8 actively engaged in performing elevator work on behalf of the contractor, and cannot be
8.9 employed in any capacity performing elevator work for any other elevator contractor or
8.10 employer. An individual may be the responsible individual for only one contractor.

8.11 (c) All applications and renewals for contractor licenses shall include a verified
8.12 statement that the applicant and responsible individual are in compliance with this
8.13 subdivision.

8.14 Subd. 10. **Examination.** In addition to the other requirements described in this
8.15 section and sections 326B.091 to 326B.098, as a precondition to issuance of a personal
8.16 license, each applicant must pass a written or oral examination developed and administered
8.17 by the commissioner to ensure the competence of each applicant for license. An oral
8.18 examination shall be administered only to an applicant who furnishes a written statement
8.19 from a certified teacher or other professional, trained in the area of reading disabilities,
8.20 stating that the applicant has a specific reading disability that would prevent the applicant
8.21 from performing satisfactorily on a written test. The oral examination shall be structured
8.22 so that an applicant who passes the examination will not impair the applicant's own safety
8.23 or that of others while acting as a licensed individual.

8.24 Subd. 11. **License, registration, and renewal fees; expiration.** (a) Unless revoked
8.25 or suspended under this chapter, all licenses issued or renewed under this section expire on
8.26 the following schedule:

8.27 (1) master licenses expire March 1 of each odd-numbered year after issuance or
8.28 renewal;

8.29 (2) elevator contractor licenses expire March 1 of each even-numbered year after
8.30 issuance or renewal;

8.31 (3) journeyman elevator constructor licenses expire two years from the date of
8.32 original issuance and every two years thereafter; and

8.33 (4) registrations of unlicensed individuals expire one year from the date of original
8.34 issuance and every year thereafter.

8.35 (b) For purposes of calculating license fees and renewal license fees required under
8.36 section 326B.092:

9.1 (1) the registration of an unlicensed individual under subdivision 7 shall be
 9.2 considered an entry-level license;

9.3 (2) the journeyman elevator constructor shall be considered a journeyman license;

9.4 (3) the master elevator constructor and limited master elevator constructor licenses
 9.5 shall be considered a master license; and

9.6 (4) an elevator contractor license shall be considered a business license.

9.7 Subd. 12. **Exemption from licensing.** Employees of a licensed elevator contractor
 9.8 are not required to hold or obtain a license under this section or be provided with direct
 9.9 supervision by a licensed master elevator constructor or licensed elevator constructor to
 9.10 install, maintain, or repair elevator equipment at a residential dwelling as defined in section
 9.11 326B.163. Unlicensed employees performing elevator work under this exemption must
 9.12 comply with subdivision 5 of this section. This exemption does not include the installation,
 9.13 maintenance, repair, or replacement of electrical wiring for elevator equipment.

9.14 Subd. 13. **Reciprocity.** (a) The commissioner may enter into reciprocity agreements
 9.15 for personal licenses with another state and issue a personal license without requiring the
 9.16 applicant to pass an examination provided the applicant:

9.17 (1) submits an application under this section;

9.18 (2) pays the application and examination fee and license fee required under section
 9.19 326B.092; and

9.20 (3) holds a valid comparable license in the state participating in the agreement.

9.21 (b) Reciprocity agreements are subject to the following:

9.22 (1) the parties to the agreement must administer a statewide licensing program that
 9.23 includes examination and qualifying experience or training comparable to Minnesota's;

9.24 (2) the experience and training requirements under which an individual applicant
 9.25 qualified for examination in the qualifying state must be deemed equal to or greater than
 9.26 required for an applicant making application in Minnesota at the time the applicant
 9.27 acquired the license in the qualifying state;

9.28 (3) the applicant must have acquired the license in the qualifying state through an
 9.29 examination deemed equivalent to the same class of license examination in Minnesota.

9.30 A lesser class of license may be granted where the applicant has acquired a greater
 9.31 class of license in the qualifying state, and the applicant otherwise meets the conditions
 9.32 of this subdivision;

9.33 (4) at the time of application, the applicant must hold a valid license in the qualifying
 9.34 state and have held the license continuously for at least one year before making application
 9.35 in Minnesota;

10.1 (5) an applicant is not eligible for a license under this subdivision if the applicant has
 10.2 failed the same or greater class of license examination in Minnesota, or if the applicant's
 10.3 license of the same or greater class has been revoked or suspended; and

10.4 (6) an applicant who has failed to renew a personal license for two years or more
 10.5 after its expiration is not eligible for a license under this subdivision.

10.6 Sec. 13. Minnesota Statutes 2012, section 326B.191, is amended to read:

10.7 **326B.191 CONFLICT OF LAWS.**

10.8 ~~Nothing in Persons licensed under sections 326B.163 to 326B.191 supersedes the~~
 10.9 ~~Minnesota Electrical Act in this chapter~~ are not subject to the provisions of sections
 10.10 326B.31 to 326B.399.

10.11 Sec. 14. Minnesota Statutes 2012, section 326B.33, subdivision 19, is amended to read:

10.12 Subd. 19. **License, registration, and renewal fees; expiration.** (a) Unless
 10.13 revoked or suspended under this chapter, all licenses issued or renewed under this section
 10.14 expire on the date specified in this subdivision. Master licenses expire March 1 of each
 10.15 odd-numbered year after issuance or renewal. Electrical contractor licenses expire March
 10.16 1 of each even-numbered year after issuance or renewal. Technology system contractor
 10.17 and satellite system contractor licenses expire August 1 of each even-numbered year after
 10.18 issuance or renewal. All other personal licenses expire two years from the date of original
 10.19 issuance and every two years thereafter. Registrations of unlicensed individuals expire
 10.20 one year from the date of original issuance and every year thereafter.

10.21 (b) For purposes of calculating license fees and renewal license fees required under
 10.22 section 326B.092:

10.23 (1) the registration of an unlicensed individual under subdivision 12 shall be
 10.24 considered an entry level license;

10.25 (2) the following licenses shall be considered journeyman licenses: Class A
 10.26 journeyman electrician, Class B journeyman electrician, Class A installer, Class B
 10.27 installer, ~~elevator constructor~~, lineman, maintenance electrician, satellite system installer,
 10.28 and power limited technician;

10.29 (3) the following licenses shall be considered master licenses: Class A master
 10.30 electrician; and Class B master electrician; ~~and master elevator constructor~~; and

10.31 (4) the following licenses shall be considered business licenses: Class A electrical
 10.32 contractor, Class B electrical contractor, ~~elevator contractor~~, satellite system contractor,
 10.33 and technology systems contractor.

11.1 (c) For each filing of a certificate of responsible person by an employer, the fee is
11.2 \$100.

11.3 Sec. 15. Minnesota Statutes 2012, section 326B.33, subdivision 21, is amended to read:

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

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

11.10 (2) the individual is supervised by:

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

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

11.16 (3) the individual's employer has on file with the commissioner a current certificate
11.17 of responsible person, signed by the responsible master electrician of the contractor, the
11.18 licensed master electrician, the licensed maintenance electrician, the electrical engineer, or
11.19 the licensed power limited technician, and stating that the person signing the certificate
11.20 is responsible for ensuring that the maintenance and repair work performed by the
11.21 employer's employees complies with the Minnesota Electrical Act and the rules adopted
11.22 under that act. The employer must pay a filing fee to file a certificate of responsible person
11.23 with the commissioner. The certificate shall expire two years from the date of filing. In
11.24 order to maintain a current certificate of responsible person, the employer must resubmit a
11.25 certificate of responsible person, with a filing fee, no later than two years from the date
11.26 of the previous submittal.

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

11.33 (1) in other than residential dwellings, class 2 or class 3 remote control circuits that
11.34 control circuits or systems other than class 2 or class 3, except circuits that interconnect

12.1 these systems through communication, alarm, and security systems are exempted from
12.2 this paragraph;

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

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

12.7 (c) Companies and their employees that plan, lay out, install, alter, or repair class
12.8 2 and class 3 remote control wiring associated with plug or cord and plug connected
12.9 appliances other than security or fire alarm systems installed in a residential dwelling are
12.10 not required to hold a license under sections 326B.31 to 326B.399.

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

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

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

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

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

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

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

12.34 (3) while installing or performing work on outdoor area lights which are directly
12.35 connected to a utility's distribution system and located upon the utility's distribution poles,

13.1 and which are generally accessible only to employees of such utility or persons acting
13.2 under its control or direction.

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

13.5 (g) Companies and their employees licensed under section 326B.164 shall not be
13.6 required to hold or obtain a license under sections 326B.31 to 326B.399.

13.7 Sec. 16. **REPEALER.**

13.8 (a) Minnesota Statutes 2012, section 326B.31, subdivisions 18, 19, and 22, are
13.9 repealed.

13.10 (b) Minnesota Rules, parts 3800.3520, subpart 5, items C and D; and 3800.3602,
13.11 subpart 2, item B, subitems (5) and (6), are repealed.

13.12 Sec. 17. **EFFECTIVE DATE.**

13.13 Sections 1 to 16 are effective July 1, 2013.

326B.31 DEFINITIONS.

Subd. 18. **Elevator constructor.** "Elevator constructor" means an individual having the necessary qualifications, training, experience, and technical knowledge to wire for, install, maintain, and repair electrical wiring, apparatus, and equipment for elevators and escalators and who is licensed as an elevator constructor by the commissioner.

Subd. 19. **Elevator contractor.** "Elevator contractor" means a licensed contractor whose responsible licensed individual is a licensed master elevator constructor. An elevator contractor license does not itself qualify its holder to perform or supervise the electrical or elevator work authorized by holding a personal license issued by the commissioner.

Subd. 22. **Master elevator constructor.** "Master elevator constructor" means an individual having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation, maintenance, and repair of wiring, apparatus, and equipment for elevators and escalators and who is licensed as a master elevator constructor by the commissioner.