

work conducted as part of the transfer proceedings.

**Subd. 7. GUARANTEE OF OUTLET; NO COMPROMISE OF EXISTING RIGHTS.** (a) Any proceeding to transfer all or part of a drainage system to a water management authority must guarantee that all rights to an outlet are preserved for property assessed for benefits on the transferred drainage system of at least equal hydraulic efficiency as the rights to an outlet that existed on the date of transfer.

(b) The transfer of a drainage system to a water management authority is not a compromise of any property right held by an owner of assessed property on the transferred drainage system.

(c) A water management authority shall compensate any owner of property assessed for benefits on the transferred drainage system for the loss or impairment of any drainage rights occurring after transfer of the drainage system.

**Subd. 8. EFFECT OF TRANSFER.** (a) Except as provided in this section, after transfer of a drainage system, or any part thereof, to a water management authority, the drainage system ceases to be subject to regulation under this chapter except that if only a portion of a drainage system is transferred, the water management authority may be assessed for improvements under section 103E.215 or repairs under sections 103E.701 to 103E.711 in the manner provided under sections 103E.315 and 103E.601 to 103E.615. The water management authority may manage water within its jurisdictional boundaries according to whatever law controls the function of the water management authority. The transferred drainage system shall become a work and a responsibility of the transferee water management authority. All responsibility of the drainage authority for the transferred drainage system ends.

(b) Activities conducted in the transferred drainage system must continue to be eligible for all exemptions and exceptions available for activities conducted in public drainage systems under sections 103G.2241 and 103G.245.

**Subd. 9. EFFECT ON OTHER LAW.** This section does not amend, supersede, or repeal any existing law providing for the transfer of a drainage system under this chapter, chapter 103D, or other law, but is supplementary to those laws.

Presented to the governor April 4, 2002

Signed by the governor April 8, 2002, 2:29 p.m.

#### CHAPTER 328—S.F.No. 2150

*An act relating to professions; modifying electrician licensing; requiring rulemaking; amending Minnesota Statutes 2000, sections 326.01, subdivisions 5, 6g, by adding subdivisions; 326.241, subdivision 1; 326.242, subdivisions 1, 2, 3, 5, 6, 6a, 6b, 6c, 7, 8, 10, 12, by adding a subdivision; 326.2421, subdivisions 2, 9; 326.244, subdivisions 1a, 2, 5, 6; 326.245; Minnesota Statutes 2001 Supplement, section 326.243; repealing Minnesota Rules, part 3800.3500, subpart 12.*

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

Section 1. Minnesota Statutes 2000, section 326.01, subdivision 5, is amended to read:

Subd. 5. **ELECTRICAL CONTRACTOR.** The term "electrical contractor" means a person, partnership, or corporation operating a business that undertakes or offers to undertake to plan for, lay out, or install or to make additions, alterations, or repairs in the installation of electrical wiring, apparatus, or equipment for light, heat, power, and other purposes with or without compensation who is licensed as such by the board of electricity. An electrical A contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's or other personal electrical license.

Sec. 2. Minnesota Statutes 2000, section 326.01, subdivision 6g, is amended to read:

Subd. 6g. **PERSONAL SUPERVISION.** The term "personal supervision" means that a person licensed electrician to perform electrical work oversees and directs the electrical work performed by an unlicensed person such that:

(1) the licensed electrician person actually reviews the electrical work performed by the unlicensed person;

(2) the licensed electrician person is immediately available to the unlicensed person at all times for assistance and direction; and

(3) the licensed electrician person is able to and does determine that all electrical work performed by the unlicensed person is performed in compliance with section 326.243.

The licensed electrician person is responsible for the compliance with section 326.243 of all electrical work performed by the unlicensed person.

Sec. 3. Minnesota Statutes 2000, section 326.01, is amended by adding a subdivision to read:

Subd. 6i. **DEMARCATIION.** "Demarcation" means listed equipment as identified in Minnesota Rules, part 3800.3619, such as a transformer, uninterruptible power supply (UPS), battery, control panel, or other device that isolates technology circuits or systems from nontechnology circuits or systems, including plug or cord and plug connection.

Sec. 4. Minnesota Statutes 2000, section 326.01, is amended by adding a subdivision to read:

Subd. 6j. **RESIDENTIAL DWELLING.** A "residential dwelling" is an individual dwelling of a one-family, two-family, or multifamily dwelling as defined in the National Electrical Code pursuant to section 326.243, including its garage or accessory building.

Sec. 5. Minnesota Statutes 2000, section 326.01, is amended by adding a subdivision to read:

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Subd. 6k. **POWER LIMITED TECHNICIAN.** The term “power limited technician” means a person having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, plan, lay out, and supervise the installing, altering, and repairing of electrical wiring, apparatus, and equipment for technology circuits or systems who is licensed as such by the board of electricity.

Sec. 6. Minnesota Statutes 2000, section 326.01, is amended by adding a subdivision to read:

Subd. 6l. **TECHNOLOGY CIRCUITS OR SYSTEMS.** “Technology circuits or systems” means class 2 or class 3 circuits or systems for, but not limited to, remote control, signaling, control, alarm, and audio signal, including associated components as covered by National Electrical Code, articles 640, 645, 725, 760, 770, and 780 and which are isolated from circuits or systems other than class 2 or class 3 by a demarcation and are not process control circuits or systems; antenna and communication circuits or systems as covered by chapter 8 of the National Electrical Code; and circuitry and equipment for indoor lighting and outdoor landscape lighting systems that are supplied by the secondary circuit of an isolating power supply operating at 30 volts or less as covered by National Electrical Code, article 411. The planning, laying out, installing, altering, and repairing of technology circuits or systems must be performed in accordance with the applicable requirements of the National Electrical Code pursuant to section 326.243.

Sec. 7. Minnesota Statutes 2000, section 326.01, is amended by adding a subdivision to read:

Subd. 6m. **PROCESS CONTROL CIRCUITS OR SYSTEMS.** “Process control circuits or systems” are circuits or systems, regardless of electrical classification, that are integrated with a manufacturing, mining, energy, finishing, conveyance of equipment or product, material handling or packaging, process that makes or assembles, or similar process.

Sec. 8. Minnesota Statutes 2000, section 326.241, subdivision 1, is amended to read:

Subdivision 1. **COMPOSITION.** The board of electricity shall consist of 11 members, residents of the state, appointed by the governor of whom at least two shall be representatives of the electrical suppliers in the rural areas of the state, two shall be master electricians, who shall be contractors, two journeyman electricians, one registered consulting electrical engineer, two licensed alarm and communication power limited technicians, who shall be technology system contractors primarily engaged in the business of installing alarm and communication technology circuits or systems, and two public members as defined by section 214.02. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

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Sec. 9. Minnesota Statutes 2000, section 326.242, subdivision 1, is amended to read:

Subdivision 1. **MASTER ELECTRICIAN.** Except as otherwise provided by law, no person shall install, alter, repair, plan, lay out, or supervise the installing, altering, or repairing of electrical wiring, apparatus, or equipment for light, heat, power, or other purposes unless the person is: (a) licensed by the board as a master electrician and (b)(i) the electrical work is for a licensed ~~electrical~~ contractor and the person is an employee, partner, or officer of, or is the licensed ~~electrical~~ contractor, or (ii) the electrical work is performed for the person's employer on electric wiring, apparatus, equipment, or facilities owned or leased by the employer which is located within the limits of property which is owned or leased and operated and maintained by the employer.

(1) An applicant for a Class A master electrician's license shall (a) be a graduate of a four-year electrical course in an accredited college or university; or (b) shall have had at least one year's experience, acceptable to the board, as a licensed journeyman; or (c) shall have had at least five years' experience, acceptable to the board, in planning for, laying out, supervising and installing wiring, apparatus, or equipment for electrical light, heat and power.

(2) As of August 1, 1985, no new Class B master electrician's licenses shall be issued. An individual who has a Class B master electrician's license as of August 1, 1985 may retain the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Sec. 10. Minnesota Statutes 2000, section 326.242, subdivision 2, is amended to read:

Subd. 2. **JOURNEYMAN ELECTRICIAN.** (a) Except as otherwise provided by law, no person shall install, alter, repair, or supervise the installing, altering, or repairing of electrical wiring, apparatus, or equipment for light, heat, power, or other purposes unless:

(1) the person is licensed by the board as a journeyman electrician; and

(2) the electrical work is:

(i) for an ~~electrical~~ a contractor and the person is an employee, partner, or officer of the licensed ~~electrical~~ contractor; or

(ii) performed under the supervision of a master electrician also employed by the person's employer on electrical wiring, apparatus, equipment, or facilities owned or leased by the employer that is located within the limits of property owned or leased, operated, and maintained by the employer.

(b) An applicant for a Class A journeyman electrician's license shall have had at least four years of experience, acceptable to the board, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided however, that the board

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may by rule provide for the allowance of one year of experience credit for successful completion of a two-year post high school electrical course approved by the board.

(c) As of August 1, 1985, no new Class B journeyman electrician's licenses shall be issued. An individual who holds a Class B journeyman electrician's license as of August 1, 1985 may retain the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or on single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Sec. 11. Minnesota Statutes 2000, section 326.242, subdivision 3, is amended to read:

Subd. 3. **CLASS A INSTALLER.** Notwithstanding the provisions of subdivisions 1, 2, and 6, any person holding a class A installer license may lay out and install and supervise the laying out and installing of electrical wiring, apparatus, or equipment for major electrical home appliances on the load side of the main service on farmsteads and in any town or municipality with fewer than 1,500 inhabitants, which is not contiguous to a city of the first class and does not contain an established business of an electrical contractor.

Sec. 12. Minnesota Statutes 2000, section 326.242, is amended by adding a subdivision to read:

Subd. 3d. **POWER LIMITED TECHNICIAN.** (a) Except as otherwise provided by law, no person shall install, alter, repair, plan, lay out, or supervise the installing, altering, or repairing of electrical wiring, apparatus, or equipment for technology circuits or systems unless:

(1) the person is licensed by the board as a power limited technician; and

(2) the electrical work is:

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

(ii) performed under the supervision of a master electrician or power limited technician also employed by the person's employer on technology circuits, systems, apparatus, equipment, or facilities owned or leased by the employer that is located within the limits of property owned or leased, operated, and maintained by the employer.

(b) An applicant for a power limited technician's license shall (1) be a graduate of a four-year electrical course in an accredited college or university; or (2) have had at least 36 months experience, acceptable to the board, in planning for, laying out, supervising, and installing wiring, apparatus, or equipment for power limited systems, provided however, that the board may by rule provide for the allowance of up to 12 months (2,000 hours) of experience credit for successful completion of a two-year post high school electrical course or other technical training approved by the board.

(c) The board may initially set experience requirements without rulemaking, but must adopt rules before July 1, 2003.

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(d) Licensees must attain eight hours of continuing education acceptable to the board every renewal period.

(e) A person who has achieved a minimal score of 70 percent on an alarm and communication examination administered by the board before April 30, 2003, may obtain a power limited technician license without further examination by submitting an application and a license fee of \$30.

(f) A company holding an alarm and communication license as of June 30, 2003, may designate one person who may obtain a power limited technician license without passing an examination administered by the board by submitting an application and license fee of \$30.

Sec. 13. Minnesota Statutes 2000, section 326.242, subdivision 5, is amended to read:

Subd. 5. **UNLICENSED PERSONS.** (a) An unlicensed person shall not perform electrical work unless the work is performed under the personal supervision of an ~~electrician~~ a person actually licensed to perform such work and the licensed electrician and unlicensed ~~person~~ persons are employed by the same employer. Licensed ~~electricians~~ persons shall not permit unlicensed persons to perform electrical work except under the personal supervision of an ~~electrician~~ a person actually licensed to perform such work. Unlicensed persons shall not supervise the performance of electrical work or make assignments of electrical work to unlicensed persons. ~~Licensed electricians~~ Except for technology circuit or system work, licensed persons shall supervise no more than two unlicensed persons. For technology circuit or system work, licensed persons shall supervise no more than three unlicensed persons.

(b) Notwithstanding any other provision of this section, no person other than a master electrician or power limited technician shall plan or lay out electrical wiring, apparatus, or equipment for light, heat, power, or other purposes, except circuits or systems exempted from personal licensing by subdivision 12, paragraph (b).

(c) ~~Electrical Contractors~~ employing unlicensed persons performing electrical work shall maintain records establishing compliance with this subdivision, which shall designate all unlicensed persons performing electrical work, except for persons working on circuits or systems exempted from personal licensing by subdivision 12, paragraph (b), and shall permit the board to examine and copy all such records as provided for in section 326.244, subdivision 6.

Sec. 14. Minnesota Statutes 2000, section 326.242, subdivision 6, is amended to read:

Subd. 6. **ELECTRICAL CONTRACTOR'S LICENSE REQUIRED.** Except as otherwise provided by law, no person other than an employee, partner, or officer of a licensed ~~electrical~~ contractor, as defined by section 326.01, subdivision 5, shall undertake or offer to undertake to plan for, lay out, supervise or install or to make additions, alterations, or repairs in the installation of electrical wiring, apparatus, and equipment for light, heat, power, and other purposes with or without compensation unless the person obtains an ~~electrical~~ a contractor's license. ~~An electrical~~ A

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contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's personal electrical license.

Sec. 15. Minnesota Statutes 2000, section 326.242, subdivision 6a, is amended to read:

Subd. 6a. **BOND REQUIRED.** Each electrical contractor shall give and maintain bond to the state in the penal sum of \$5,000 conditioned upon the faithful and lawful performance of all work entered upon by the contractor within the state of Minnesota and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. The bond shall be filed with the board and shall be in lieu of all other license bonds to any political subdivision. Such bond shall be written by a corporate surety licensed to do business in the state of Minnesota.

Sec. 16. Minnesota Statutes 2000, section 326.242, subdivision 6b, is amended to read:

Subd. 6b. **INSURANCE REQUIRED.** Each electrical contractor shall have and maintain in effect general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance with limits of at least \$25,000 or a policy with a single limit for bodily injury and property damage of \$300,000 per occurrence and \$300,000 aggregate limits. Such insurance shall be written by an insurer licensed to do business in the state of Minnesota and each electrical contractor shall maintain on file with the board a certificate evidencing such insurance which provides that such insurance shall not be canceled without the insurer first giving 15 days written notice to the board of such cancellation.

Sec. 17. Minnesota Statutes 2000, section 326.242, subdivision 6c, is amended to read:

Subd. 6c. **EMPLOYMENT OF MASTER ELECTRICIAN OR POWER LIMITED TECHNICIAN.** (a) No electrical contractor shall engage in business of electrical contracting unless the electrical contractor employs a licensed Class A master or Class B master electrician, or power limited technician, who shall be responsible for the performance of all electrical work in accordance with the requirements of sections 326.241 to 326.248 or any rule or order adopted or issued under these sections. The classes of work for which the licensed electrical contractor is authorized shall be limited to those for which such Class A master electrician, or Class B master electrician, or power limited technician employed by the electrical contractor is licensed.

(b) When an electrical contractor's license is held by an individual, partnership, limited liability company, or corporation and the individual, one of the partners, one of the members, or an officer of the corporation, respectively, is not the responsible master electrician or power limited technician of record, all requests for inspection shall be signed by the responsible master electrician or power limited technician of record. The

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designated responsible master electrician or power limited technician of record shall be employed by the individual, partnership, limited liability company, or corporation which is applying for an electrical contractor's license and shall not be employed in any capacity as a licensed electrician or licensed technician by any other electrical contractor or employer designated in subdivision 12.

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

Sec. 18, Minnesota Statutes 2000, section 326.242, subdivision 7, is amended to read:

**Subd. 7. EXAMINATION.** In addition to the requirements imposed herein and except as herein otherwise provided, as a precondition to issuance of an electrician's a personal license, each applicant must pass a written or oral examination given by the board to insure the competence of each applicant for license. An oral examination shall be administered only to an applicant who furnishes a written statement from a certified teacher or other professional, trained in the area of reading disabilities stating that the applicant has a specific reading disability which would prevent the applicant from performing satisfactorily on a written test. The oral examination shall be structured so that an applicant who passes the examination will not impair the applicant's own safety or that of others while acting as an electrician a licensed person. No person failing an examination may retake it for six months thereafter, but within such six months the person may take an examination for a lesser grade of license. Any licensee failing to renew a license for two years or more after its expiration shall be required to retake the examination before being issued a new license.

An applicant for journeyman's or special electrician's license who shall furnish evidence satisfactory to the board of having the requisite experience, upon written application, payment of the examination fee and fulfillment of all other requirements stated herein, may work as a journeyman or special electrician until the examination next following and the announcement of the results of such latter examination by the board.

An applicant for a personal license shall submit to the board an application and examination fee at the time of application. Upon approval of the application, the board shall schedule the applicant for the next available examination, which shall be held within 60 days. The applicant shall be allowed one opportunity to reschedule an examination without being required to submit another application and examination fee. Additionally, an applicant who fails an examination, or whose application has been disapproved, must submit another application and examination fee.

Sec. 19, Minnesota Statutes 2000, section 326.242, subdivision 8, is amended to read:

**Subd. 8. LICENSE AND RENEWAL FEES.** All licenses issued hereunder shall expire in a manner as provided by the board. Fees, as set by the board, shall be payable for examination, issuance and renewal of the following:

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(1) For examination:

Class A Master.

Class B Master.

Class A Journeyman, Class B Journeyman, Installer, Alarm and Communications Contractor, Power Limited Technician, or Special Electrician.

(2) For issuance of original license and renewal:

Class A Master.

Class B Master.

Power Limited Technician.

Class A Journeyman, Class B Journeyman, Installer, or Special Electrician.

Electrical contractor.

Alarm and Communication System Contractor.

Technology Systems Contractor.

Sec. 20. Minnesota Statutes 2000, section 326.242, subdivision 10, is amended to read:

Subd. 10. **CONTINUATION OF BUSINESS BY ESTATES.** Upon the death of a master who is an ~~electrical~~ a contractor the board may permit the decedent's representative to carry on the business of the decedent for a period not in excess of six months, for the purpose of completing work under contract or otherwise to comply with sections 326.241 to 326.248. The representative shall give such bond as the board may require conditioned upon the faithful and lawful performance of such work and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. Such bond shall be written by a corporate surety licensed to do business in the state of Minnesota. Such representative shall also comply with all public liability and property damage insurance requirements imposed by this chapter upon a licensed ~~electrical~~ contractor.

Sec. 21. Minnesota Statutes 2000, section 326.242, subdivision 12, is amended to read:

Subd. 12. **EXEMPTIONS FROM LICENSING.** (a) A maintenance electrician who is supervised by the responsible master electrician for an ~~electrical~~ a contractor who has contracted with the maintenance electrician's employer to provide services for which an ~~electrical~~ a contractor's license is required or by a master electrician or an electrical engineer registered with the board and who is an employee of an employer and is engaged in the maintenance, and repair of electrical equipment, apparatus, and facilities owned or leased by the employer, and performed within the limits of property which is owned or leased and operated and maintained by said employer, shall not be required to hold or obtain a license under sections 326.241 to 326.248; or

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(b) Employees of a licensed alarm and communication electrical or technology systems contractor or other employer where provided with supervision by a master electrician in accordance with subdivision 1, or power limited technician in accordance with subdivision 3d, paragraph (a), clause (1), are not required to hold a license under sections 326.241 to 326.248 while performing work authorized to be conducted by an alarm and communication contractor for the planning, laying out, installing, altering, and repairing of technology circuits or systems except planning, laying out, or installing:

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

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

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

(c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and class 3 remote control wiring associated with plug or cord and plug connected appliances other than security or fire alarm systems installed in a residential dwelling are not required to hold a license under sections 326.241 to 326.248; or

(d) Heating, ventilating, air conditioning, and refrigeration contractors and their employees are not required to hold or obtain a license under sections 326.241 to 326.248 when performing heating, ventilating, air conditioning, or refrigeration work as described in section 326.245; or

(e) (e) Employees of any electric, communications, or railway utility, cable communications company as defined in section 238.02, or a telephone company as defined under section 237.01 or its employees, or of any independent contractor performing work on behalf of any such utility, cable communications company, or telephone company, shall not be required to hold a license under sections 326.241 to 326.248:

1. While performing work on installations, materials, or equipment which are owned or leased, and operated and maintained by such utility, cable communications company, or telephone company in the exercise of its utility, antenna, or telephone function, and which

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

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

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(iii) are not on the load side of the meter service point or point of entrance; or

2. While performing work on installations, materials, or equipment which are a part of the street lighting operations of such utility; or

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

(d) (f) An owner shall not be required to hold or obtain a license under sections 326.241 to 326.248.

Sec. 22. Minnesota Statutes 2000, section 326.2421, subdivision 2, is amended to read:

Subd. 2. **EXEMPTION.** ~~Except as provided in subdivision 3, No person or company exempt under subdivision 1 or licensed pursuant to subdivision 3 section 326.242, subdivision 4 or 6, may be required to obtain any authorization, permit, franchise, or license from, or pay any fee, franchise tax, or other assessment to, any agency, department, board, or political subdivision of the state as a condition for performing any work described herein. The requirements of this section shall not apply to telephone companies as defined under section 237.01 nor to their employees, that are only engaged in the laying out, installation, and repair of telephone systems.~~

Sec. 23. Minnesota Statutes 2000, section 326.2421, subdivision 9, is amended to read:

Subd. 9. **LIMITATION.** Nothing in this section prohibits a unit of local government from charging a franchise fee to the operator of a cable communications ~~system~~ company as defined in section 238.02.

Sec. 24. Minnesota Statutes 2001 Supplement, section 326.243, is amended to read:

#### 326.243 SAFETY STANDARDS.

All electrical wiring, apparatus and equipment for electric light, heat and power, ~~alarm and communication technology~~ circuits or systems shall comply with the rules of the department of commerce or the department of labor and industry, as applicable, and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the rules and safety standards stated at the time the work is done in the then most recently published edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota Building Code is formulated pursuant to section 16B.61, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota

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Building Code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

Sec. 25. Minnesota Statutes 2000, section 326.244, subdivision 1a, is amended to read:

Subd. 1a. ~~ALARM AND COMMUNICATION TECHNOLOGY SYSTEMS.~~

(a) ~~The installation of fire alarm systems as defined in article 760 of the National Electrical Code; the technology circuits or systems described in paragraph (b), except:~~

(1) minor work performed by a contractor;

(2) work performed by a heating, ventilating, or air conditioning contractor as described in section 326.245; and

(3) work performed by cable company or telephone company employees, must be inspected as provided in this section for compliance with the applicable provisions of articles 725, 760, 770, 800, 810, and 820 of the most recent edition of the National Electrical Code and the applicable provisions of the National Electrical Safety Code, as those codes were approved by the American National Standards Institute.

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

(1) remote control circuits controlling class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3 and indoor lighting, except circuits that interconnect these systems exempted by section 326.242, subdivision 12, paragraph (b), other than fire alarm; class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing physically unprotected circuits other than class 2 or class 3; or technology circuits and systems in hazardous classified locations as covered by chapter 5 of the National Electrical Code;

(2) fire alarm systems as defined in article 760 of the National Electrical Code;

(3) critical health and medical facilities, including, but not limited to, anesthesia and resuscitative alarm and alerting systems, medical monitoring, and nurse call systems; and

(4) physical security systems within detention facilities.

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

(d) Notwithstanding this subdivision, if an electrical inspector ~~in the course of doing another inspection in a building~~ observes that ~~an alarm and communication a~~ contractor, employer, or owner has not complied with accepted standards when the work was performed, as provided in the most recent editions of the National Electrical Code and the National Electrical Safety Code as approved by the American National

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Standards Institute, the inspector may order the contractor, employer, or owner who has performed the work to file a request for electrical inspection, pay an inspection fee, and make any necessary repairs to comply with applicable standards and require that the work be inspected.

Sec. 26. Minnesota Statutes 2000, section 326.244, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE.** (a) At or before commencement of any installation required to be inspected by the board, the electrical contractor, installer, special electrician, or owner making the installation shall submit to the board a request for inspection, in a form prescribed by the board, together with the fees required for the installation.

(b) The fees required are a handling fee and an inspection fee. The handling fee shall be set by the board in an amount sufficient to pay the cost of printing and handling the form requesting an inspection. The inspection fee shall be set by the board in an amount sufficient to pay the actual costs of the inspection and the board's costs in administering the inspection. All fees shall be set pursuant to the procedure of sections 14.001 to 14.69.

(c) If the inspector finds that the installation is not in compliance with accepted standards of construction for safety to life and property as required by section 326.243, the inspector shall by written order condemn the installation or noncomplying portion thereof, or order service to the installation disconnected, and shall send a copy of the order to the board. If the installation or the noncomplying part will seriously and proximately endanger human life and property, the order of the inspector, when approved by the inspector's superior, shall require immediate condemnation or disconnection. In all other cases, the order of the inspector shall permit a reasonable opportunity for the installation to be brought into compliance with accepted standards of construction for safety to life and property prior to the effective time established for condemnation or disconnection.

(d) Copies of each condemnation or disconnection order shall be served personally or by mail upon the property owner, and the electrical contractor, installer, or special electrician making the installation, and other persons as the board by rule may direct. An aggrieved party may appeal any condemnation or disconnection order by filing with the board a notice of appeal within ten days after (1) service upon the aggrieved party of the condemnation or disconnection order, if this service is required, or (2) filing of the order with the board, whichever is later. The appeal shall proceed and the order of the inspector shall have the effect the order, by its terms, and the rules of the board provides. The board shall adopt rules providing procedures for the conduct of appeals, including provisions for the stay of enforcement of the order of the inspector pending such appeal when justified by the circumstances.

Sec. 27. Minnesota Statutes 2000, section 326.244, subdivision 5, is amended to read:

Subd. 5. **EXEMPTIONS FROM INSPECTIONS.** Installations, materials, or equipment shall not be subject to inspection under sections 326.241 to 326.248:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) when owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326.241 to 326.248, while performing electrical maintenance work only as defined by board rule;

(2) when owned or leased, and operated and maintained by any electric, communications or railway utility or telephone company in the exercise of its utility or telephone function; and

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

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

(iii) are not on the load side of the meter service point or point of entrance;

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

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

(5) ~~when the installation, material, and equipment are alarm or communication systems laid out, installed, or maintained within residential units not larger than a duplex;~~

~~(6) when the installation, material, and equipment are in facilities subject to the jurisdiction of the federal Mine Safety and Health Act; or~~

~~(7)~~ (6) when the installation, material, and equipment is part of an elevator installation for which the elevator contractor, licensed under section 326.242, is required to obtain a permit from the authority having jurisdiction as provided by section 16B.747, and the inspection has been or will be performed by an elevator inspector certified by the department of administration and licensed by the board of electricity. This exemption shall apply only to installations, material, and equipment permitted or required to be connected on the load side of the disconnecting means required for elevator equipment under National Electric Code Article 620, and elevator communications and alarm systems within the machine room, car, hoistway, or elevator lobby.

Sec. 28. Minnesota Statutes 2000, section 326.244, subdivision 6, is amended to read:

Subd. 6. **SITE INSPECTIONS.** The board may, without advance notice, inspect any site at which electrical work is being performed or has been performed or where records concerning the performance of electrical work are kept for purposes of ensuring compliance with sections 326.241 to 326.248 or any rule or order adopted or

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issued under these sections. With respect to electrical work performed at or records kept in an occupied private dwelling, all inspections permitted by this subdivision shall occur during normal business hours and shall be preceded by advance notice, which need not be in writing. The board shall have the authority to examine and copy all records concerning the performance of electrical work and to question in private all persons employed by an electrical contractor or on the site. No person shall retaliate in any manner against any employee or person who is questioned by, cooperates with, or provides information to the board, its complaint committee, or the attorney general.

Sec. 29. Minnesota Statutes 2000, section 326.245, is amended to read:

**326.245 MANUFACTURING, INSTALLATION, ALTERATION, OR REPAIR OF ELECTRICAL APPARATUS; EXEMPT.**

Subdivision 1. MANUFACTURERS. Electrical components, apparatus, or appliances being manufactured within the limits of property which is owned or leased by a manufacturer and such manufacturer's production employees shall are not be covered by sections 326.241 to 326.248. Installation, alteration, or repair of electrical appliance units, except (a) electrical wiring to the unit, or (b) original wiring in or on the unit installed outside the limits of property which is owned or leased by a manufacturer shall not be covered by this chapter. For purposes of this section, "electrical appliance units" means all electrical and natural gas appliances that use electricity including, but not limited to, furnaces, water heaters, stoves, clothes washers, dryers, air conditioners, dishwashers, and humidifiers.

Subd. 2. ELECTRICAL APPLIANCE UNITS. Installation, alteration, or repair of electrical appliance units are not covered by sections 326.241 to 326.248. For the purposes of this section, "electrical appliance units" means all electrical and fossil fuel appliances that use electricity including, but not limited to, furnaces, water heaters, stoves, clothes washers, dryers, and dishwashers. The installation of electrical wiring to an electrical appliance unit is covered by sections 326.241 to 326.248.

Subd. 3. OTHER UNITS. Planning, laying out, and installation of heating, ventilating, air conditioning, or refrigeration units are not covered by sections 326.241 to 326.248. For purposes of this section, heating, ventilating, air conditioning, or refrigeration units include, but are not limited to, air conditioning units, air conditioning evaporators, air conditioning condensers, air conditioning and refrigeration chillers, boilers, furnaces, air handling units, rooftop units, humidifiers, ice makers, and super market, ice arena, and bar/restaurant equipment. The installation of electrical wiring to the unit is covered by sections 326.241 to 326.248.

Subd. 4. OTHER EQUIPMENT. Planning, laying out, alteration, replacement, or repair of heating, ventilating, air conditioning, or refrigeration equipment, and associated devices, controls, and wiring including wiring in or on the equipment, are not covered by sections 326.241 to 326.248 when the work is performed by an employee of a heating, ventilating, air conditioning, or refrigeration contractor provided that the employee performing the work has received a certificate of completion from a heating, ventilating, air conditioning, or refrigeration apprenticeship program approved by the state of Minnesota or any class of personal electrical license

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issued by the board. Employees registered in an approved heating, ventilating, air conditioning, or refrigeration program may design, plan, alter, replace, or repair heating, ventilating, air conditioning, or refrigeration equipment, devices, and controls including wiring in or on the equipment, under the direction of an employee who has a certificate of completion from an approved program or any class of personal electrical license issued by the board. The installation of electrical wiring to the unit is covered by sections 326.241 to 326.248.

**Sec. 30. TERMS FOR POWER LIMITED CONTRACTORS.**

The term of one of the power limited contractors appointed under Minnesota Statutes, section 326.241, subdivision 1, shall expire after two years. That person's successor shall be appointed for a four-year term.

**Sec. 31. REPEALER.**

Minnesota Rules, part 3800.3500, subpart 12, is repealed.

Presented to the governor April 4, 2002

Signed by the governor April 8, 2002, 4:15 p.m.

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**CHAPTER 329—H.F.No. 3125**

*An act relating to telecommunications; authorizing periodic account statements in electronic format; changing name of telecommunications access for communication-impaired persons program to telecommunications access Minnesota program; modifying and clarifying provisions for contracting the telecommunication relay system; allowing the city of Alexandria to enter into a joint venture; amending Minnesota Statutes 2000, section 237.52, subdivision 1; Minnesota Statutes 2001 Supplement, sections 237.51, subdivision 1; 237.54, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 237.*

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

**Section 1. [237.101] ELECTRONIC BILLING.**

A telephone company may provide a customer's periodic account statement to the customer in electronic format in lieu of paper format if the customer has authorized the electronic format in writing.

Sec. 2. Minnesota Statutes 2001 Supplement, section 237.51, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** The commissioner of commerce shall (1) administer through interagency agreement with the commissioner of human services a program to distribute communication devices to eligible communication-impaired persons and (2) contract with a ~~local consumer group~~ qualified vendor that serves communication-impaired persons to create and maintain a telecommunication relay service. For purposes of sections 237.51 to 237.56, the department of commerce and any

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