



**S.F. No. 411, 1st Engrossment - 87th Legislative Session (2011-2012) [S0411-1]**

2.1 shall adopt the plumbing code and any amendments thereto pursuant to chapter 14 and  
2.2 as provided in subdivision 6, paragraphs (b), (c), and (d);

2.3 (4) review requests for final interpretations and issue final interpretations as provided  
2.4 in section 326B.127, subdivision 5;

2.5 (5) adopt rules that regulate the licensure or registration of plumbing contractors,  
2.6 journeymen, unlicensed individuals, master plumbers, restricted master plumbers,  
2.7 restricted journeymen, maintenance plumbers, water conditioning contractors, and  
2.8 water conditioning installers, and other persons engaged in the design, installation, and  
2.9 alteration of plumbing systems, engaged in the maintenance or repair of plumbing  
2.10 equipment, apparatus, or facilities, or engaged in or working at the business of water  
2.11 conditioning installation or service, except for those individuals licensed under section  
2.12 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14  
2.13 and as provided in subdivision 6, paragraphs (e) and (f);

2.14 (6) adopt rules that regulate continuing education for individuals licensed as master  
2.15 plumbers, journeyman plumbers, restricted master plumbers, restricted journeyman  
2.16 plumbers, maintenance plumbers, water conditioning contractors, and water conditioning  
2.17 installers. The board shall adopt these rules pursuant to chapter 14 and as provided in  
2.18 subdivision 6, paragraphs (e) and (f);

2.19 (7) refer complaints or other communications to the commissioner, whether oral or  
2.20 written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or  
2.21 order that the commissioner has the authority to enforce pertaining to code compliance,  
2.22 licensure, or an offering to perform or performance of unlicensed plumbing services;

2.23 (8) approve per diem and expenses deemed necessary for its members as provided in  
2.24 subdivision 3;

2.25 (9) approve license reciprocity agreements;

2.26 (10) select from its members individuals to serve on any other state advisory council,  
2.27 board, or committee; and

2.28 (11) recommend the fees for licenses and certifications.

2.29 Except for the powers granted to the Plumbing Board, the Board of Electricity, and the  
2.30 Board of High Pressure Piping Systems, the commissioner of labor and industry shall  
2.31 administer and enforce the provisions of this chapter and any rules promulgated pursuant  
2.32 thereto.

2.33 (b) The board shall comply with section 15.0597, subdivisions 2 and 4.

2.34 (c) The commissioner shall coordinate the board's rulemaking and recommendations  
2.35 with the recommendations and rulemaking conducted by the other boards created pursuant  
2.36 to this chapter. The commissioner shall provide staff support to the board. The support

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3.1 includes professional, legal, technical, and clerical staff necessary to perform rulemaking  
3.2 and other duties assigned to the board. The commissioner of labor and industry shall  
3.3 supply necessary office space and supplies to assist the board in its duties.

3.4 **EFFECTIVE DATE.** This section is effective January 1, 2012.

3.5 Sec. 3. Minnesota Statutes 2010, section 326B.46, subdivision 1, is amended to read:

3.6 Subdivision 1. **License required.** (a) No individual shall engage in or work at  
3.7 the business of a master plumber, restricted master plumber, journeyman plumber, ~~and~~  
3.8 restricted journeyman plumber, or maintenance plumber unless licensed to do so by the  
3.9 commissioner. A license is not required for individuals performing building sewer or  
3.10 water service installation who have completed pipe laying training as prescribed by the  
3.11 commissioner. A master plumber may also work as a journeyman plumber, a restricted  
3.12 journeyman plumber, and a restricted master plumber. A journeyman plumber may also  
3.13 work as a restricted journeyman plumber. Anyone not so licensed may do plumbing work  
3.14 which complies with the provisions of the minimum standards prescribed by the Plumbing  
3.15 Board on premises or that part of premises owned and actually occupied by the worker as  
3.16 a residence, unless otherwise forbidden to do so by a local ordinance.

3.17 (b) No person shall engage in the business of planning, superintending, or installing  
3.18 plumbing or shall install plumbing in connection with the dealing in and selling of  
3.19 plumbing material and supplies unless at all times a licensed master plumber, or in cities  
3.20 and towns with a population of fewer than 5,000 according to the last federal census, a  
3.21 restricted master plumber, who shall be responsible for proper installation, is in charge of  
3.22 the plumbing work of the person.

3.23 (c) Except as provided in subdivision ~~2~~ 1a, no person shall perform or offer to  
3.24 perform plumbing work with or without compensation unless the person obtains a  
3.25 contractor's license. A contractor's license does not of itself qualify its holder to perform  
3.26 the plumbing work authorized by holding a master, journeyman, restricted master, or  
3.27 restricted journeyman license.

3.28 (d) No individual shall engage in or work as a maintenance plumber unless:

3.29 (1) the individual is licensed as a maintenance plumber;

3.30 (2) the individual is engaged in the maintenance and repair of plumbing equipment,  
3.31 apparatus, or facilities that are within the limits of property classified for the purposes of  
3.32 taxation under section 273.13 as class 1c or commercial 4c(1); and

3.33 (3) the property is owned or leased by the individual or by the individual's employer.

3.34 **EFFECTIVE DATE.** This section is effective January 1, 2012.

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4.1 Sec. 4. Minnesota Statutes 2010, section 326B.46, subdivision 1a, is amended to read:

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

4.5 (b) An individual who is an employee working on the maintenance and repair of  
4.6 plumbing equipment, apparatus, or facilities owned or leased by the individual's employer  
4.7 and which is within the limits of property owned or leased, and operated or maintained by  
4.8 the individual's employer, shall not be required to maintain a contractor license as long as  
4.9 the employer has on file with the commissioner a current certificate of responsible person.  
4.10 The certificate must be signed by the responsible master plumber, licensed maintenance  
4.11 plumber, or, in an area of the state that is not a city or town with a population of more  
4.12 than 5,000 according to the last federal census, restricted master plumber, and must state  
4.13 that the person signing the certificate is responsible for ensuring that the maintenance and  
4.14 repair work performed by the employer's employees comply with sections 326B.41 to  
4.15 326B.49, all rules adopted under those sections and sections 326B.50 to 326B.59, and  
4.16 all orders issued under section 326B.082. The employer must pay a filing fee to file a  
4.17 certificate of responsible person with the commissioner. The certificate shall expire two  
4.18 years from the date of filing. In order to maintain a current certificate of responsible  
4.19 person, the employer must resubmit a certificate of responsible person, with a filing fee, no  
4.20 later than two years from the date of the previous submittal. The filing of the certificate of  
4.21 responsible person does not exempt any employee of the employer from the requirements  
4.22 of this chapter regarding individual licensing as a plumber or registration as ~~a plumber's~~  
4.23 apprentice an unlicensed individual.

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

4.27 **EFFECTIVE DATE.** This section is effective January 1, 2012.

4.28 Sec. 5. Minnesota Statutes 2010, section 326B.47, is amended by adding a subdivision  
4.29 to read:

4.30 Subd. 2a. **Maintenance plumber exam.** Any individual who has completed four  
4.31 years of practical plumbing experience or four years of experience in maintenance and  
4.32 repair of plumbing equipment, apparatus, or facilities is eligible to take the maintenance  
4.33 plumber's examination. The Plumbing Board may adopt rules to evaluate whether the  
4.34 individual's plumbing experience is applicable in preparing for the maintenance plumber's  
4.35 examination.

5.1 EFFECTIVE DATE. This section is effective January 1, 2012.

5.2 Sec. 6. Minnesota Statutes 2010, section 326B.49, subdivision 1, is amended to read:

5.3 Subdivision 1. **Application, examination, and license fees.** (a) Applications  
5.4 for master ~~and~~ journeyman, and maintenance plumber's licenses shall be made to the  
5.5 commissioner, with all fees required by section 326B.092. Unless the applicant is entitled  
5.6 to a renewal, the applicant shall be licensed by the commissioner only after passing  
5.7 a satisfactory examination developed and administered by the commissioner, based  
5.8 upon rules adopted by the Plumbing Board, showing fitness. Until the Plumbing Board  
5.9 adopts rules regarding the fitness of applicants for a maintenance plumber's license, the  
5.10 commissioner shall develop an application designed to show that the applicant has the  
5.11 qualifications, training, experience, and technical knowledge needed to properly maintain  
5.12 and repair plumbing, as determined at the sole discretion of the commissioner.

5.13 (b) All initial journeyman and maintenance plumber's licenses shall be effective for  
5.14 more than one calendar year and shall expire on December 31 of the year after the year in  
5.15 which the application is made. All master plumber's licenses shall expire on December 31  
5.16 of each even-numbered year after issuance or renewal. All renewed maintenance plumber's  
5.17 licenses shall be two-year licenses. The commissioner shall in a manner determined by the  
5.18 commissioner, without the need for any rulemaking under chapter 14, phase in the renewal  
5.19 of master and journeyman plumber's licenses from one year to two years. By June 30,  
5.20 2011, all renewed master and journeyman plumber's licenses shall be two-year licenses.

5.21 (c) Applications for contractor licenses shall be made to the commissioner, with all  
5.22 fees required by section 326B.092. All contractor licenses shall expire on December 31 of  
5.23 each odd-numbered year after issuance or renewal.

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

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

5.28 (2) the following licenses shall be considered master licenses: master plumber and  
5.29 restricted master plumber;

5.30 (3) the following licenses shall be considered journeyman licenses: journeyman  
5.31 plumber ~~and~~ restricted journeyman plumber, maintenance plumber; and

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

5.34 (e) For each filing of a certificate of responsible person by an employer, the fee is  
5.35 \$100, except that the fee under this section for a maintenance plumber is \$40.

6.1 **EFFECTIVE DATE.** This section is effective January 1, 2012.