

**CHAPTER 1360**  
**DEPARTMENT OF ADMINISTRATION**  
**MINNESOTA STATE BUILDING CODE**  
**PREFABRICATED BUILDINGS**

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**1360.0100 TITLE AND SCOPE.**

Subpart 1. **Identification and title.** Parts 1360.0100 to 1360.3600 are known as the "Minnesota Prefabricated Building Code." Unless otherwise specified, subsequent reference in this chapter to "the code" means the Minnesota Prefabricated Building Code.

Subp. 2. **Purpose.** The purpose of this chapter is to govern the construction of, and provide for the certification of, prefabricated buildings.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.0200 DEFINITIONS.**

Subpart 1. **Scope.** Unless otherwise expressly stated, the following terms, for the purpose of this code, have the meaning indicated in this part.

Subp. 2. **Approved.** "Approved" as it applies to factory or off-site construction of prefabricated buildings means approved by the state building inspector.

Subp. 3. **Building.** "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

Subp. 4. **Building system.** "Building system" means the process of preparing plans, specifications, and other documents describing one of a series of prefabricated buildings employing approved methods of fabrication within established limits; and includes, but is not limited to, the structural, electrical, mechanical, fire protection, and plumbing design.

Subp. 5. **Closed construction.** "Closed construction" means any building manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

Subp. 6. **Code.** "Code" means the Minnesota State Building Code.

Subp. 7. **Compliance certificate and data plate.** "Compliance certificate and

data plate" means the certificate provided by the state building inspector to the manufacturer which when signed by the manufacturer warrants that the prefabricated building complies with the code.

**Subp. 8. Commissioner.** "Commissioner" means the commissioner of administration.

**Subp. 9. Evaluation agency.** "Evaluation agency" means an approved person or organization, private or public, determined by the state building inspector to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to investigate, evaluate, and approve prefabricated buildings, building systems, or compliance assurance programs in accordance with the requirements of the code.

**Subp. 10. Independence of judgment.** "Independence of judgment" means not being affiliated with, influenced, or controlled by building manufacturers or producers, suppliers, or vendors of products or equipment used in prefabricated buildings in any manner which is likely to affect the capacity to render reports and findings objectively and without bias.

**Subp. 11. Inspection agency.** "Inspection agency" means a person or organization, private or public, determined by the state building inspector to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to conduct or supervise compliance assurance programs relating to the manufacture, handling, storage, and transportation of prefabricated buildings and attach seals to prefabricated buildings, evidencing compliance with the code.

**Subp. 12. Installation.** "Installation" means the process of affixing, or assembling and affixing, prefabricated buildings on the building site, or to an existing building.

**Subp. 13.** [Repealed, 11 SR 1405]

**Subp. 14. Local enforcement agency.** "Local enforcement agency" means an agency of a municipality which enforces the code.

**Subp. 15. Prefabricated building.** "Prefabricated building" means any building or building module which is of closed construction and which is made, constructed, or assembled in manufacturing facilities, on or off the building site, for installation, or assembly and installation, on the building site, but does not include relocatable contractors offices or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or upon completion of the construction project.

**Subp. 16. Open construction.** "Open construction" means any building manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction of the building.

**Subp. 17. Quality control program.** "Quality control program" as used herein shall be synonymous with compliance assurance program.

**Subp. 18. Compliance assurance program.** "Compliance assurance program" means the system documentation and methods of assuring that prefabricated buildings, including their manufacture, storage, transportation, assembly, handling, and installation, conform with the code.

**Subp. 19. Seal.** "Seal" means a device or insignia issued to the manufacturer by the state building inspector evidencing the manufacturer's certification that the prefabricated building or module bearing the seal was produced in accordance with the code.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.0300 APPROVAL.**

Subpart 1. **Responsibility; plan review.** The state building inspector has the responsibility for approving prefabricated buildings and building systems for compliance with the code. This responsibility may be delegated to approved evaluation agencies.

Manufacturers must submit plans biannually for reevaluation and approval.

Approvals expire when there are revisions to the code under which the approval was granted. At that time the manufacturer must submit entire new documentation for evaluation and approval, or submit evidence that the plans as approved are in compliance with the code as revised.

Subp. 2. **Dwellings manufactured for use in specific municipality.** A local unit of government may authorize the construction of a one-family or two-family detached dwelling manufactured at a location in the municipality other than the site of installation in the same municipality, if:

A. the manufacturer applies to the state building inspector, on a form specified by the commissioner, to construct a dwelling in the municipality;

B. the building official endorses the application and agrees to provide the same plan review and inspection services that would be provided if the home were built on site;

C. the manufacturer agrees not to apply for a Minnesota prefabricated building seal at a future date;

D. the completed form and a copy of the local building permit application must be forwarded to the Division of Building Codes and Standards for acceptance; and

E. the Division of Building Codes and Standards accepts the proposal and notifies the manufacturer and the building official in writing.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.0400 INSPECTION.**

The state building inspector reserves to himself the responsibility for inspecting manufactured buildings and building components for compliance with the code. Such responsibility may be delegated by him to approved inspection agencies or approved local enforcement agencies.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**1360.0500 CERTIFICATION.**

Prefabricated buildings which are sold, offered for sale, or installed in the state must bear a seal or seals and a compliance certificate and data plate evidencing the manufacturer's certification of code compliance. That certification is conclusive on all agencies, instrumentalities, and municipalities of the state.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.0600 RECIPROCITY.**

Upon a showing that another state provides for certification of detached one-family and two-family dwelling prefabricated buildings upon compliance with standards that are at least equal to those provided in the code, the commissioner may provide that certification granted by that state has the same force and effect as certification under this code. The commissioner may make reciprocity contingent upon the other state granting reciprocal certification in accordance with this code.

Pursuant to the provisions of this part the commissioner has established

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reciprocity with the following states which have granted reciprocity to the state of Minnesota: state of Indiana.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.0700 MODIFICATION.**

Prefabricated buildings bearing a state seal must not in any way be modified unless a written request is made and written approval obtained from the state building inspector or municipal building official.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.0800 TESTING.**

The state building inspector or the evaluation agency may require that specific components, systems, or processes be tested. Tests must be performed by a qualified testing agency. The tests and procedures must be reviewed by the evaluation agency or the state building inspector to assure compliance with the code.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.0900 INSPECTION.**

**Subpart 1. General.** The state building inspector shall make, or cause to be made, inspections of the entire process of manufacturing, certifying, handling, storing, and transporting of prefabricated buildings produced pursuant to approved documents which the state building inspector deems necessary.

**Subp. 2. Manufacturing facilities.** As part of the approval process of evaluating building systems and compliance assurance programs, the state building inspector or an evaluation agency shall inspect the manufacturing facilities in which the buildings are to be manufactured.

**Subp. 3. Production process.** The state building inspector or an inspection agency shall make such inspections as may be required by an approved compliance assurance program, or as may be deemed necessary by the state building inspector.

**Subp. 4. Damaged prefabricated buildings.** Prior to the installation of a damaged prefabricated building, the manufacturer shall notify the state building inspector who shall inspect, or cause to be inspected, certified prefabricated buildings which have been damaged after certification and take action with regard to those buildings which is authorized under part 1360.3100, subpart 3, or which is otherwise necessary to eliminate dangerous conditions.

The state building inspector shall require prefabricated buildings which are so damaged as no longer to comply with the code to be brought into compliance promptly. If those buildings are not brought into compliance with the code within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the state building inspector shall order that the seals be removed from the buildings. Irreparably damaged buildings must be disposed of in accordance with applicable law.

**Subp. 5. Inspection agency review.** The state building inspector may examine each approved inspection agency, at any reasonable time, and without prior announcement, in order to monitor the reliability of each agency and of its monitoring of each compliance assurance program. Each such examination must investigate the adequacy of all procedures used by the agency in monitoring compliance assurance programs including inspection, tests, production methods, process controls, operator performance, materials receipt, storage and handling,

workmanship standards, records, and all other activities which implement the compliance assurance program in the manufacturing facility, during transport, on site, and at critical subcontractors' facilities. The results of these examinations must be kept on file at the offices of the state building inspector. Copies of the results must be sent to the inspection agency. Inspection agencies must be specifically notified of any deficiencies and of the manner in and time by which the deficiencies must be eliminated. If deemed necessary by the state building inspector, an agency's approval may be suspended or revoked as provided in part 1360.3500. Inspections must take place at the manufacturing facility, and may also take place at the inspection agency's office or at the site of installation of the prefabricated building.

**Subp. 6. Evaluation agency review.** The state building inspector may examine each approved evaluation agency, at any reasonable time, and without prior announcement, in order to monitor the reliability of each agency. Each such examination must investigate the adequacy of all evaluative procedures including engineering evaluation of plans, specifications and test results, testing, and analysis of compliance assurance programs. The results of these examinations must be kept on file at the offices of the state building inspector. Copies of the results must be sent to the evaluation agency. Agencies must be specifically notified of any deficiencies and of the manner and time by which the deficiencies must be eliminated. If deemed necessary by the state building inspector, approval of an evaluation agency may be suspended or revoked as provided in part 1360.3500.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

#### **1360.1000 ON-SITE INSPECTION BY LOCAL CODE ENFORCEMENT AGENCY.**

Local code enforcement agencies are required to inspect the installation of prefabricated buildings and are responsible for determining that each installation is completed in accordance with its certification. The local enforcement agency may inspect, to the maximum extent possible without causing undue delay, prefabricated buildings at the installation site for compliance with the code. This inspection must not require the removal of permanent parts of the structure. Evidence of noncompliance with the certification must be reported to the state building inspector.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

#### **1360.1100 LOCAL ZONING.**

Enforcement of land use zone requirements, building setback, side and rear yard requirements, site development, and property line requirements are specifically and entirely reserved to local municipalities.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

#### **1360.1200 STANDARDS AND REQUIREMENTS.**

The standards and requirements for manufacture and installation of prefabricated buildings must be the current Minnesota State Building Code.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

#### **1360.1300 BUILDING PERMITS.**

**Subpart 1. Application for permit.** An application for a building permit to a local building official for the installation of prefabricated buildings pursuant to this code must in addition to any other requirements contain:

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A. a statement that application is made for permission to install prefabricated buildings in accordance with the provisions of the code, signed by the applicant or his agent with the appropriate address;

B. a copy of the site and building plans and specifications and evidence of plan approval by the state building inspector or evaluation agency; and

C. the information required on the data plate (part 1360.2400).

**Subp. 2. Issuance.** The local building official must issue a permit, license, certificate, authorization, or other required document, as the case may be, for the installation of the prefabricated building if the application is submitted in accordance with this code. The manufacturer shall submit evidence to assure that the design loads are in accordance with the appropriate provisions of the code. Foundation plans, all utility installations and connections, and all provisions of part 1360.1100 are subject to local approval.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.1400 CERTIFICATE OF OCCUPANCY.**

Upon completion of the installation of any prefabricated building the owner, manufacturer, builder, architect, lessee, tenant of their agent, or other interested person may, upon showing of compliance with the code, demand and obtain, upon proper payment being made for it in appropriate cases, any permit, license, certificate, authorization, or other required document the issuance of which is authorized pursuant to any state or local building regulation.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.1500 CHANGES TO APPROVED PLANS.**

A manufacturer who proposes or is required to change approved plans or installation instructions shall request approval of the changes in writing and work may not commence until written approval is received. The changes must be incorporated in the inspection procedures manual.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.1600 CHANGE OF OWNERSHIP, NAME, OR ADDRESS.**

In the event of a change in the ownership, name, or office address of any manufacturer, the manufacturer shall notify the state building inspector, the evaluation agency, or the local enforcement agency in writing within ten days. If the manufacturer changes or adds to the location of the manufacturing facility, he shall so notify the state building inspector, the evaluation agency, or the local enforcement agency at least 30 days prior to the start of manufacture at such new location.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**1360.1700 CHANGE IN THE CODE.**

The state building inspector shall notify the manufacturer, the evaluation agency, or the local enforcement agency of amendments to the code, and shall allow the manufacturer a reasonable time in which to submit a request for change in plan approval, if required to conform.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**1360.1800 NONCOMPLIANCE.**

Noncompliance with the provisions of the code or unauthorized deviation from the approved plans or production procedures may be cause for revocation of the plan approval and authorization to obtain seals.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

### 1360.1900 SEALS.

Subpart 1. **R-3 and R-4 Occupancies.** For R-3 and R-4 occupancies, each prefabricated building manufactured pursuant to the code must have permanently attached in a location shown on the approved plans a state seal evidencing certification of compliance with the code by the manufacturer.

Subp. 2. **All other occupancies.** For all other occupancies, one seal is required per transportable unit.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

### 1360.2000 ISSUANCE.

A seal must be issued by the state building inspector to the manufacturer upon application and after plan approval has been issued, and must be issued in accordance with the following:

A. If the state building inspector delegates the issuance of seals to an evaluation or inspection agency, the agency shall obtain approval from the state building inspector for the manner in which they are handled.

B. Seals must be serially numbered.

C. A manufacturer's compliance assurance program, submitted in accordance with part 1360.3100, item A must include requirements for issuance, possession of, attachment of, and accounting for all seals to assure that seals are attached only to buildings manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.

D. If the state building inspector or an inspection agency determines that the manufacturer's record of compliance is such that the state building inspector or inspection agency need not maintain an inspector in a given plant at all times, the state building inspector or inspection agency may entrust seals to the custody of one or more employees of the manufacturer, who shall control the use of the seals. These employees must not be given custody of more seals than are necessary to accommodate the manufacturer's anticipated production for one month. If the conditions of custody are violated, the state building inspector or an inspection agency shall immediately regain possession of all seals that have not been applied to the prefabricated buildings and shall take further action with respect to buildings already sealed, and with respect to future seals, which it may deem necessary to assure compliance with the code.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

### 1360.2100 REPORTING.

Approved inspection agencies shall maintain a record of inspections which must be made available to the state building inspector annually or upon request. Manufacturers shall report monthly the disposition of seals identifying by manufacturer's serial number the prefabricated building to which each seal was affixed.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

### 1360.2200 RETURN OF SEALS.

The manufacturer shall return all seals allocated for prefabricated buildings to the state building inspector if the manufacturer, for any reason, determines that the seals will no longer be needed.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

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**1360.2300 REVOCATION.**

Upon revocation of plan approval, all seals not affixed to a prefabricated building must be returned. All seals affixed after the date of revocation are void.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.2400 MANUFACTURER'S COMPLIANCE CERTIFICATE.**

The compliance certificate form furnished by the state building inspector must contain but is not limited to the following information, and must be placed by the manufacturer in the vicinity of the electrical distribution panel or in some other approved designated location that is readily accessible for inspection:

- A. manufacturer's name and address;
- B. serial number of the unit;
- C. model designation and name of manufacturer of major factory-installed appliances;
- D. where applicable, identification of permissible type of gas for appliances and directions for water and drain connections;
- E. name and date of standards complied with;
- F. seal serial number;
- G. design loads;
- H. special conditions or limitations of the unit;
- I. date of manufacture; and
- J. electrical ratings-instructions and warnings on voltage, phase, size and connections of units, and grounding requirements.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.2500 PLAN APPROVAL PROCEDURES.**

Plan approval must be obtained from the state building inspector or the evaluation agency for all prefabricated buildings and systems.

Applications, plans, specifications and other documentation must be submitted in sufficient copies as required. Applications must be made in letter form. All documentations and plans must indicate the manufacturer's name, office address, and address of manufacturing facility.

A quality control manual prepared by the manufacturer must be submitted. If the manufacturer elects to have each building or system produced individually inspected, a quality control manual need not be submitted.

Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets. Each plan must bear the signature and seal of an approved registered architect or professional engineer where required. The plan must indicate the method of evaluation and inspection for all required on-site testing of the systems. Plans must designate all work to be performed on site, including connections of all systems, equipment, and appliances and all work performed in the plant. A three-inch by four-inch clear rectangular space must be provided on all sheets of plans near the title box for the stamp of approval.

The design of plumbing, electrical, heating, and mechanical systems or any structural design or method of construction and data must be in accordance with the Minnesota State Building Code. Grade, quality, and identification of all materials must be specified. Design calculations and test reports must be submitted when required. Plans must be drawn to scale and indicate the location of the approved seal and data plate.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*



**1360.2600 PRODUCTS MANUFACTURED IN MORE THAN ONE LOCATION.**

If the manufacturer produces the same products at more than one manufacturing facility, the manufacturer shall provide such additional copies of documentation as may be required.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**1360.2700 NONCONFORMING APPLICATION AND PLANS.**

In the event that an application is determined to be unsuitable for processing prior to plan check, the applicant must be notified in writing of the unsuitability and the reason for the unsuitability within 30 days of the date the application is received by the state building inspector or evaluation agency.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.2800 EVIDENCE OF PLAN APPROVAL.**

Plan approvals must be evidenced by the stamp of approval of the state building inspector or evaluation agency. One copy of all approved documentation must be returned to the manufacturer.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.2900 REQUIRED CONSTRUCTION DETAILS.**

Plans must provide or show, but are not limited to, the following details:

**A. General.**

(1) Details and method of installation of prefabricated buildings to foundations or to each other.

(2) All exterior elevations.

(3) Cross-sections as necessary to identify major building elements.

(4) Details of flashing, such as at openings and at penetrations through roofs. Indicate flashing material and gauge to be used.

(5) Attic access and attic ventilation.

(6) Exterior wall, roof, and soffit material as well as finish.

(7) Interior wall and ceiling finish material, and required protection.

(8) Fire separation details.

(9) Sizes, locations, and types of doors and windows.

(10) Recommended foundation plans, vents, and underfloor access.

(11) Evidence of compliance with the Model Energy Code Amendments, parts 4215.0100 to 4215.6100.

**B. Plumbing detail requirements.**

(1) Plan or schematic drawing of the plumbing layout including, but not limited to, size of piping, fittings, traps, vents, cleanouts, and valves for gas, water, and drainage systems.

(2) Plumbing materials, fixed appliances, and equipment to be used. Indicate make, model, rating/capacity.

(3) Make and model of safety controls and their location, such as for water heaters.

(4) How piping is to be supported and intervals of support.

(5) Location of vents above roofs and required clearances including, but not limited to, clearances from air intakes, other vents and flues.

(6) Indicate method(s) of testing.

**C. Structural.**

- (1) Engineer's calculations of structural members.
- (2) Allowable soil bearing value.
- (3) Structural and framing details of all floors, roofs, and walls.
- (4) Details and layout of roof trusses.
- (5) Details of reinforcing steel.
- (6) Complete loading schedule.
- (7) Column loads and column schedule.
- (8) Header schedule.
- (9) Size, spacing, and details of all structural elements.
- (10) Grade or quality of all structural elements (lumber, steel, concrete).
- (11) Elevations of structural elements, walls, or sections thereof providing resistance to vertical loads or lateral forces.
- (12) Complete details of all structural connections including, but not limited to, chord splices, corner and wall intersection details, post and beam connections, beam splices and column splices. Both in-plant and on-site connections must be shown.

**D. Space and fire safety.**

(1) Design and tested time period reference for all fire-resistive construction including stairways and their enclosures, shaft enclosures, door and window assemblies, walls, partitions, columns, and floor-ceiling and roof-ceiling assemblies.

(2) Detail as to width of all aisles, corridors, passageways and stairway enclosures.

**E. Building classification.**

- (1) Occupancy or use.
- (2) Area, height, and number of stories.
- (3) Type of construction.
- (4) Fire resistance designation.

**F. Mechanical detail requirements.**

- (1) Location of all equipment and appliances. Indicate listed or labeled equipment and listing agency.
- (2) Heat loss calculations. Heating appliance sizing calculations.
- (3) Manufacturer's name, make, model number, Btu input rating of all equipment.
- (4) Duct and register locations, size, materials.
- (5) Clearances from combustible material or surfaces for all ducts, flues, and chimneys.
- (6) Method of providing required combustion air and make-up air.
- (7) Location of flues, vents, and chimneys and clearances from air intakes, and other vents and flues.
- (8) Details regarding dampers in ducts penetrating fire separations.
- (9) Indicate method(s) of testing.
- (10) Complete drawings of fire sprinkler systems, standpipe system of fire alarm system, if required.
- (11) Fuel supply and storage details.

**G. Electrical detail requirements.**

- (1) Plan of service equipment, including service entrance, conductors, service raceway, and clearances above ground and above structures.
- (2) Method and detail for grounding service equipment.

- (3) A single line diagram of the entire electrical installation.
- (4) Load calculations for service and feeders.
- (5) Sizes of all feeders and branch circuits.
- (6) Size, rating, and location of main disconnect/overcurrent protective devices.
- (7) Method of interconnection between prefabricated buildings or building modules and location of connections.
- (8) Location of all outlets and junction boxes.
- (9) Method of mounting fixtures and wiring installation.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

### **1360.2910 PLAN REVIEW BY MANUFACTURER.**

Each submittal must be accompanied by a plan review form indicating the building code sections checked for compliance and the result of the checking process. For one and two family detached dwellings a review form must be submitted for the model in each series that exceeds the code minimum by the least margin. For other structures that require individual approval (all units other than one and two family detached dwellings) a review form must accompany each submittal. Plan review forms must be as specified by the state building inspector.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

### **1360.3000 GENERAL.**

Parts 1360.3000 to 1360.3700 outline the requirements for a comprehensive program of quality control. It is the manufacturer's responsibility to execute every aspect of this program. The manufacturer shall continue to be responsible for all corrective actions required, and the contractual relationship with an approved inspection agency must not diminish that responsibility.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

### **1360.3100 REQUIREMENTS FOR MANUFACTURER.**

Subpart 1. **Manual.** The manufacturer shall provide a quality control manual with index including but not limited to the following:

A. procedure for periodic revision and resubmittal to the state building inspector or the evaluation agency;

B. organizational structure for implementing and maintaining the quality control program and the functional relationship with other elements of the organizational structure;

C. a uniform system of audit (in-depth analysis of quality control program effectiveness and means to identify deficiencies) to periodically monitor program performance;

D. the means of identification and segregation to prevent unauthorized use and to control disposition of items that do not conform to drawings or specification requirements;

E. procedures for timely remedial and preventive action for all problems that affect product quality;

F. sampling inspection where feasible;

G. use and maintenance of appropriate inspection and test equipment to assure conformance to drawings and specifications;

H. a system to indicate inspection stations during manufacturing and site operations;

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I. inspection and test procedures including accept/reject criteria;

J. the maintenance of adequate records of inspections and tests performed during manufacturing and site operations and assurance that the records are complete and reliable (copies of forms to be utilized must be included);

K. a system to control changes in production or inspection procedures;

L. procedures to assure effective control over procurement sources to ensure that materials, supplies, and other items used in production and site operations conform to applicable drawings, specifications, and quality requirements;

M. procedures for inspection of materials, supplies, and other items at the point of receipt;

N. implementation of inspection and test procedure to control the quality of in-process fabrication and workmanship;

O. procedures for final inspection of all prefabricated buildings or systems before shipment to the site or storage point including identification and seal application;

P. procedures for packing, packaging, and shipping operations and related inspection;

Q. procedures for handling and storing all finished prefabricated buildings; and

R. installation procedures with appropriate inspection procedures (utility hook-up procedures must contain appropriate inspection criteria and test description).

**Subp. 2. Identifications.** The manufacturer shall identify the inspection agency.

The manufacturer shall identify the manufacturer's representative who will be assigned the responsibility for implementing the quality control program and define his functional obligation, responsibility, and authority. The state building inspector or the evaluation agency must be advised of any subsequent change.

**Subp. 3. Service and repair.** The manufacturer or his agent is responsible for timely and effective performance of service and repairs related to code compliance.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.3200 INSPECTION AGENCIES' PROCEDURES FOR COMPLIANCE ASSURANCE.**

The inspection agency shall monitor the manufacturer's approved quality control program and inspect the prefabricated building or system to assure compliance with the approved plans and specifications and the quality control manual.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.3300 APPROVAL OF INSPECTION AND EVALUATION AGENCIES; REQUIREMENTS FOR SUBMISSION.**

An inspection or evaluation agency seeking approval shall submit an application to the state building inspector which must include the items listed in this part:

A. the original articles of incorporation of the agency and all subsequent amendments thereto, as filed in the state of incorporation;

B. the bylaws of the organization, if any;

C. the names, addresses, and business affiliations of all members of the board of directors and of top management personnel;

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D. stock owned in amounts over \$5,000 reflecting the financial interests of the agency's board of directors and top management personnel;

E. certification by the agency that its board of directors, as a body, and its technical personnel, as individuals, can exercise independence of judgment; and its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered;

F. names, years of experience, state in which professionally registered and other qualifications of the directors of inspection or evaluation programs;

G. names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection, and other branches of engineering; the states in which each is registered and the services each performs;

H. an organization chart showing management and supervisory persons including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full-time and which are part-time engineers;

I. number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held, and other pertinent qualifications; descriptions of the type of work each group and each technician is expected to perform, and the qualifications of each group and each technician to perform the work assigned;

J. an outline of the training program, if any, of the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them;

K. an outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work;

L. all engineers, technicians, and other personnel who will perform services for the organization but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency;

M. type of products, components, equipment, structures, and other items which the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each, and the type of codes, standards, specifications, and requirements with respect to which the organization has had experience in providing evaluation, inspection, or testing services, and the number of years of experience with each;

N. description of the recordkeeping system the agency proposes to use with particular regard to availability of records to the state building inspector and the capacity to render reports to the state building inspector;

O. description of the frequency with which the agency is capable of performing inspections or evaluations;

P. list of states in which the agency is now approved to inspect or evaluate prefabricated buildings and a further listing of those states in which the agency intends to seek such approval within the next two years;

Q. certification that the agency is able to evaluate building systems for compliance with the codes, standards, specifications, and requirements adopted herein, or prefabricated buildings for compliance with approved building systems; and

R. fee as required by part 1360.3600.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.3400 PROCEDURES FOR APPROVING EVALUATION AGENCIES.**

**Subpart 1. Qualifying for approval.** The state building inspector shall approve inspection or evaluation agencies which meet the requirements of part 1360.3300 and which the state building inspector finds otherwise qualified to perform the functions proposed to be delegated to them.

**Subp. 2. Determining completeness of application.** Prior to a full evaluation of an application for approval, the state building inspector shall determine whether the application is complete and in accordance with part 1360.3300. In the event the application is found to be unsuitable for processing, the applicant must be notified in writing of the unsuitability and the reason for the unsuitability within 30 days of the date the application is received by the state building inspector. In that event, all but \$25 of the fee must be returned. A finding of unsuitability is without prejudice. Any subsequent submission must be treated as a new application.

**Subp. 3. Reporting reasons for disapproval.** In the event an inspection or evaluation agency is not approved, the state building inspector shall return one complete application to the applicant with a written explanation of the reasons for such disapproval attached thereto.

**Subp. 4. Reporting approval.** Approval of inspection or evaluation agencies must be evidenced by a letter to the applicant indicating approval and stating specifically the functions which the applicant has been approved to perform. The letter of approval does not constitute the actual delegation of those functions.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.3500 SUSPENSION AND REVOCATION OF APPROVAL.**

**Subpart 1. Grounds.** The state building inspector may suspend or revoke the approval of any evaluation agency or inspection agency if the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of the act or the code, or if the agency violates the act or the code, if examination pursuant to 1360.0900, subparts 5 and 6 discloses that the agency has failed to perform properly, or for any other cause deemed sufficient by the state building inspector to warrant that action. Appeals from suspensions or revocations must receive timely review.

**Subp. 2. Notice of suspension or revocation.** If the state building inspector suspends or revokes the approval of an evaluation or inspection agency, the evaluation or inspection agency must be given notice in writing of the suspension or revocation with the reasons set forth in the notice. Manufacturers being evaluated or inspected by such agencies, and all local enforcement agencies within this state must also be notified in writing of the suspensions or revocations. Notices must contain instructions to the local enforcement agencies as to prefabricated buildings previously certified by an agency whose approval has been suspended or revoked.

**Subp. 3. Delivery of records.** An evaluation or inspection agency whose approval has been suspended or revoked must within 90 days of the suspension or revocation deliver to the custody of the state building inspector the originals of all records required by the code to be made of, or in the course of, the agency's operations pursuant to the code.

**Subp. 4. Delivery of seals.** An evaluation or inspection agency for which approval has been suspended or revoked must, within 90 days of the suspension or revocation, deliver to the custody of the state building inspector all seals in the agency's possession, under its control, or for which it is responsible pursuant to the code.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.3600 FEES.**

**Subpart 1. Form and amount of payment.** All fees must be in the form of checks or money orders payable to "Minnesota State Treasurer," and addressed to: State of Minnesota Department of Administration, Building Codes and Standards Division, 408 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101.

The seal fee is \$30 per seal. The replacement seal fee for damaged or lost seals is \$10 per seal. For all other work performed by the Building Codes and Standards Division such as, but not limited to, the review of plans, specifications, and independent agency reports, inspection, and quality control evaluation, a fee of \$25 per person, per hour must be charged. Travel expense must be charged at the rates established for state employees by the commissioner of administration.

**Subp. 2. Inspection or evaluation agencies.** An initial fee of \$150 must be submitted with the application for agency approval. The initial fee must be submitted prior to January 1, 1981, by all currently approved agencies and must include any additional data necessary to show compliance with parts 1360.0900, 1360.2000, and 1360.3300 to 1360.3500.

A registration fee of \$75 is required annually, due January 1 of each year, to maintain state approval.

**Statutory Authority:** *MS s 16B.59 to 16B.73*

**History:** *11 SR 1405*

**1360.3700 [Repealed, 11 SR 1405]**