

CHAPTER 2891

DEPARTMENT OF COMMERCE

RESIDENTIAL BUILDING CONTRACTORS

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BUILDING CONTRACTORS; REQUIREMENTS

2891.0010 CHANGE OF BUSINESS NAME OR ADDRESS.

The licensee must notify the commissioner, in writing, of any change in control, ownership, officers or directors, business name, license name, qualifying person, or location within 15 business days of the change.

Statutory Authority: *MS s 45.023; 326.87; 326.98*

History: *18 SR 1471*

2891.0020 RECORDS.

For the purposes of this license, a licensee shall maintain records showing all plans, contracts, documents, records, receipts, and disbursements by a licensee of all the licensee's transactions as a contractor for a period of not less than three years after completion of any construction project or operation to which the records refer, and shall have the records available for inspection by the commissioner during normal business hours. Records must be kept at the licensee's business address.

Statutory Authority: *MS s 45.023; 326.87; 326.98*

History: *18 SR 1471*

2891.0030 WRITTEN CONTRACT REQUIRED.

Contracts between a contractor and a customer for the performance of a licensee's services must be reduced to writing and must contain the following:

- A. a summary of the work to be performed;
 - B. a description of materials to be used or a list of standard features included;
- and
- C. the total contract price, or a description of the basis on which the price will be calculated.

The licensee shall provide at no cost to the customer a copy of all written contracts between the licensee and its customer, including, but not limited to, proposals, quotations, change orders, and purchase orders at the time the document is executed.

Statutory Authority: *MS s 45.023; 326.87; 326.98*

History: *18 SR 1471*

2891.0040 FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES.

Subpart 1. Description. For the purposes of Minnesota Statutes, section 326.91, subdivision 1, clause (2), the following acts and practices are considered fraudulent, deceptive, or dishonest practices:

- A. misrepresentation of a material fact by the applicant in obtaining a license;
- B. engaging in false, fraudulent, or misleading advertising;
- C. making any material misrepresentation or omission in the procurement of a building contract;

D. any fraud or dishonesty in the execution of, or in the material alteration of, any contract, mortgage, promissory note, or other document incident to a building transaction;

E. conducting a building or remodeling contracting business in any name other than the one in which the contractor is licensed, unless the licensee has filed a certificate of assumed name with the secretary of state and provided a copy of the certificate to the commissioner;

F. contracting or offering to contract while the license is revoked, under suspension, or inactive for any reason;

G. knowingly contracting for, or performing, a service beyond the scope of the license; or

H. performing any construction without obtaining applicable local building permits and inspections.

Subp. 2. **Nonlimitation of authority.** Nothing in this part limits the authority of the commissioner to take action against a licensee for fraudulent, deceptive, or dishonest practices not specifically described in this part.

Statutory Authority: *MS s 45.023; 326.87; 326.98*

History: *18 SR 1471*

2891.0050 INCOMPETENT, UNTRUSTWORTHY, OR FINANCIALLY IRRESPONSIBLE PRACTICES.

Subpart 1. **Description.** For the purposes of Minnesota Statutes, section 326.91, subdivision 1, clause (6), the following acts and practices are considered incompetent, untrustworthy, or financially irresponsible:

A. failure to maintain any required license bond, or Minnesota workers' compensation, liability, or unemployment benefits as required by applicable law;

B. accrual of \$500 or more in delinquent taxes, penalties, or interest, owed to the state, pursuant to Minnesota Statutes, section 270.72; or

C. diversion of funds paid to a licensee from the purposes for which the funds were intended.

Subp. 2. **Nonlimitation of authority.** Nothing in this part limits the authority of the commissioner to take action against a licensee for incompetent, untrustworthy, or financially irresponsible practices not specifically described in this part.

Statutory Authority: *MS s 45.023; 326.87; 326.98*

History: *18 SR 1471; L 1997 c 66 s 80; L 1999 c 107 s 66; L 2000 c 343 s 4*

2891.0060 [Repealed, 21 SR 88]

2891.0070 [Repealed, 21 SR 88]

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2891.0170 [Repealed, 21 SR 88]

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2891.0210 [Repealed, 21 SR 88]

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2891.0230 [Repealed, 21 SR 88]

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2891.0270 [Repealed, 21 SR 88]

2891.0280 [Repealed, 21 SR 88]