

1 Department of Commerce

2

3 Adopted Permanent Rules Relating to Residential Building

4 Contractors; Prohibited Practices; Continuing Education

5

6 Rules as Adopted

7 BUILDING CONTRACTORS; REQUIREMENTS

8 2891.0010 CHANGE OF BUSINESS NAME OR ADDRESS.

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

13 2891.0020 RECORDS.

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

22 2891.0030 WRITTEN CONTRACT REQUIRED.

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

26 A. a summary of the work to be performed;

27 B. a description of materials to be used or a list of
28 standard features included; and

29 C. the total contract price, or a description of the
30 basis on which the price will be calculated.

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

1 executed.

2 2891.0040 FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES.

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

7 A. misrepresentation of a material fact by the
8 applicant in obtaining a license;

9 B. engaging in false, fraudulent, or misleading
10 advertising;

11 C. making any material misrepresentation or omission
12 in the procurement of a building contract;

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

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

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

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

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

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

32 2891.0050 INCOMPETENT, UNTRUSTWORTHY, OR FINANCIALLY
33 IRRESPONSIBLE PRACTICES.

34 Subpart 1. Description. For the purposes of Minnesota
35 Statutes, section 326.91, subdivision 1, clause (6), the

1 B. Each licensee must, during each continuing
2 education reporting period, complete and report one hour of
3 continuing education relating to energy codes for buildings and
4 other building codes designed to conserve energy.

5 Subp. 3. **Examinations.** Course examinations will not be
6 required for continuing education courses unless they are
7 required by the sponsor.

8 Subp. 4. **Textbooks.** Textbooks are not required to be used
9 for continuing education courses. In instances in which
10 textbooks are not used, students are to be provided with a
11 syllabus containing, at a minimum, the course title; the times
12 and dates of the course offering; the names, addresses, and
13 telephone numbers of the course coordinator and instructor; and
14 a detailed outline of the subject materials to be covered.

15 Subp. 5. **Credit earned.** Upon completion of approved
16 courses, students shall earn one hour of continuing education
17 credit for each hour of approved instruction. Approved
18 instructors shall earn three hours of continuing education
19 credit for each hour of approved instruction. Credit may not be
20 earned if, within the preceding five years, the licensee has
21 previously obtained credit for the same course as either a
22 student or instructor.

23 Subp. 6. **Nonapproved courses for continuing education.**
24 The following are not approved courses:

25 A. courses designed to prepare students for a license
26 examination;

27 B. courses in mechanical office or business skills,
28 including typing, speed reading, or use of calculators or other
29 machines or equipment; or

30 C. courses in motivation, sales skills, psychology,
31 time management, or communication.

32 Subp. 7. **Burden of proof.** The burden of demonstrating
33 that courses impart substantive and procedural knowledge in the
34 residential contracting or remodeling field is upon the person
35 seeking approval of credit.

36 Subp. 8. **Professional designations.** Courses leading to

1 the following professional designations automatically qualify
2 for continuing education credit:

3 A. Graduate Builders Institute offered by the
4 Builders Association and the National Association of Home
5 Builders;

6 B. certified graduate remodeler (CGR) program offered
7 by the Builders Association and the National Association of Home
8 Builders;

9 C. construction superintendent series offered by the
10 Builders Association and the National Association of Home
11 Builders;

12 D. Graduate Builders Institute master series offered
13 by the Builders Association and the National Association of Home
14 Builders;

15 E. certified remodeling program of the National
16 Association for Remodeling Industry, the Minnesota chapter; and

17 F. building code update program offered by the
18 Department of Administration.

19 CONTINUING EDUCATION REQUIREMENTS

20 2891.0080 APPLICATION FOR COURSE APPROVAL FOR CONTINUING
21 EDUCATION.

22 The residential contracting or remodeling application for
23 course approval for continuing education must be submitted on
24 forms prescribed by the commissioner.

25 2891.0090 COURSE APPROVAL.

26 Subpart 1. **Approval of course offerings.** Sponsors must
27 submit their courses to the commissioner for approval at least
28 30 days prior to the date on which the course is to be held.
29 Courses will be approved or disapproved on the basis of their
30 compliance with Minnesota Statutes, section 326.87, and this
31 chapter. Approval will not include time spent on breaks, meals,
32 or other unrelated activities.

33 Subp. 2. **Continuing education courses not submitted for**
34 **advance approval.** Licensees may receive continuing education
35 credit for courses attended which have not been submitted for

1 approval in advance if the licensee demonstrates that the
2 courses were in substantial compliance with Minnesota Statutes,
3 section 326.87, and the rules adopted thereunder. Requests for
4 credit for courses not approved in advance must be submitted on
5 forms prescribed by the commissioner.

6 Subp. 3. **Permitted course offerings.** Courses complying
7 with Minnesota Statutes, chapter 326, and the rules adopted
8 thereunder may be offered or sponsored by sponsors.

9 Coordinators must immediately notify the commissioner of
10 any material change in an application for approval or in the
11 exhibits attached to it.

12 2891.0100 NOTICE OF SUBSEQUENT OFFERINGS OF CONTINUING EDUCATION
13 COURSES.

14 Approval may be granted for subsequent offerings of
15 identical continuing education courses without requiring a new
16 application if a notice of subsequent offerings, on the form
17 prescribed by the commissioner, is filed with the commissioner
18 at least 30 days in advance of the date the course is to be held.

19 2891.0110 COURSES OPEN TO ALL.

20 All course offerings must be open to any interested
21 individuals.

22 2891.0120 COURSE COORDINATOR.

23 Subpart 1. **Mandatory.** Each course of study shall have one
24 coordinator, approved by the commissioner, who is responsible
25 for supervising the program and assuring compliance with
26 Minnesota Statutes, section 326.87, and this chapter. Sponsors
27 may engage an additional approved coordinator in order to assist
28 the coordinator or to act as a substitute for the coordinator in
29 the event of an emergency or illness.

30 Subp. 2. **Qualifications.** The commissioner shall approve
31 as a coordinator an individual meeting one or more of the
32 following criteria:

33 A. a minimum of the previous five years as an active
34 residential contractor or remodeler;

1 B. at least three years of full-time experience in
2 the administration of an education program during the five-year
3 period immediately preceding the date of application; or

4 C. a degree in education plus two years residential
5 contracting or remodeling experience.

6 Subp. 3. Responsibilities. A coordinator is responsible
7 for:

8 A. assuring compliance with all laws and rules
9 pertaining to residential contracting education;

10 B. assuring that students are provided with current
11 and accurate information relating to the codes, laws, and rules
12 governing the residential contracting or remodeling activities
13 which are the subject of the course;

14 C. supervising and evaluating courses and
15 instructors, including assuring, especially when a course will
16 be taught by more than one instructor, that all areas of the
17 curriculum are addressed without redundancy and that continuity
18 is present throughout the entire course;

19 D. furnishing the commissioner, upon request, with
20 copies of evaluations of instructors or courses;

21 E. investigating complaints related to course
22 offerings and instructors;

23 F. maintaining records relating to course offerings,
24 instructors, and student attendance for a period of three years
25 from the date on which the course was completed; these records
26 shall be made available to the commissioner upon request. In
27 the event that a sponsor should cease operation for any reason,
28 the coordinator is responsible for maintaining the records or
29 providing a custodian for the records acceptable to the
30 commissioner. Under no circumstances will the commissioner act
31 as custodian of the records. In order to be acceptable to the
32 commissioner, custodians must agree to make copies of
33 acknowledgments of course attendance available to students at a
34 reasonable fee;

35 G. assuring that the coordinator is available to
36 instructors and students throughout course offerings and

1 providing the name of the coordinator and a telephone number at
2 which the coordinator can be reached;

3 H. attending workshops or instructional programs as
4 reasonably required by the commissioner; and

5 I. providing students with course completion
6 certificates for continuing education courses.

7 2891.0130 APPLICATION FOR COORDINATOR APPROVAL.

8 The residential contractor or remodeler application for
9 coordinator approval must be submitted on forms prescribed by
10 the commissioner.

11 2891.0140 INSTRUCTORS.

12 Subpart 1. **Requirement.** Each course of study shall have
13 an instructor who is qualified by education, training, or
14 experience to ensure competent instruction.

15 Subp. 2. **Qualifications.** The following provisions relate
16 to the approval and qualification of instructors:

17 A. Requests must be submitted at least 30 days before
18 instruction in an approved course.

19 B. Continuing education instructors must have:

20 (1) five years practical experience in the
21 subject area being taught;

22 (2) a college or graduate degree in the subject
23 area being taught;

24 (3) a college degree in any area plus three years
25 experience in the subject area being taught; or

26 (4) an associate of applied science degree from a
27 technical college plus three years experience in the subject
28 area being taught.

29 Subp. 3. **Responsibilities.** Approved instructors are
30 responsible for the following:

31 A. compliance with all laws and rules relating to
32 residential contracting or remodeling education;

33 B. providing students with current and accurate
34 information;

35 C. maintaining an atmosphere conducive to learning in

1 the classroom;

2 D. assuring and certifying attendance of students
3 enrolled in courses;

4 E. providing assistance to students and responding to
5 questions relating to course materials; and

6 F. attending workshops or instructional programs that
7 are required by the commissioner.

8 2891.0150 APPLICATION FOR INSTRUCTOR APPROVAL FOR CONTINUING
9 EDUCATION.

10 The residential contracting or remodeling application for
11 instructor approval for continuing education must be submitted
12 on forms prescribed by the commissioner.

13 2891.0160 PROHIBITED PRACTICES FOR SPONSORS, COORDINATORS, AND
14 INSTRUCTORS.

15 Subpart 1. Prohibitions. In connection with an approved
16 course, sponsors, coordinators, and instructors shall not:

17 A. recommend or promote the services or practices of
18 any particular licensee, coordinator, instructor, or sponsor;

19 B. encourage or recruit individuals to engage the
20 services of, or become associated with, any particular licensee;

21 C. use materials, clothing, or other evidences of
22 affiliation with any particular licensee;

23 D. require students to participate in other programs
24 or services offered by the sponsor, coordinator, or instructor;

25 E. attempt, either directly or indirectly, to
26 discover questions or answers on a licensing examination; or

27 F. disseminate to any other person specific
28 questions, problems, or information known or believed to be
29 included in licensing examinations.

30 Subp. 2. Notification of misconduct. Coordinators and
31 instructors shall notify the commissioner within ten days of
32 being charged with or convicted of a felony or gross misdemeanor
33 or of disciplinary action taken against any occupational license
34 held by the coordinator or instructor.

35 Subp. 3. Change in information in application.

1 Coordinators and instructors shall notify the commissioner
2 within 15 days of any change in the information set forth in the
3 application for approval on file with the commissioner.

4 2891.0170 EXTENSIONS.

5 Upon appropriate showing of a bona fide medical hardship,
6 the commissioner shall extend the time period during which
7 continuing education instruction must be successfully
8 completed. Requests for extensions must be submitted in writing
9 before the date of license cancellation and must include a
10 physician's statement documenting a medical condition which
11 prevents the licensee from completing continuing education
12 requirements in a timely fashion. An extension granted under
13 this subpart shall not exceed 90 days unless the physician's
14 statement documents that a longer extension is medically
15 necessary.

16 2891.0180 CANCELLATION OF LICENSE.

17 A license that has been canceled for failure of a licensee
18 to complete continuing education requirements must be returned
19 to the commissioner within ten days of receipt of notice of
20 cancellation. The license shall be reinstated without
21 reexamination by completing the required instruction, filing a
22 license application, and paying the fee for a building
23 contractor or remodeler license within two years of the
24 cancellation date.

25 2891.0190 WAIVERS.

26 Required education must not be waived for any licensee or
27 applicant for a license. Extensions shall be granted pursuant
28 to part 2891.0170.

29 2891.0200 FEES.

30 Fees for approved courses and related materials must be
31 reasonable and clearly identified to students. In the event
32 that a course is canceled for any reason, all fees must be
33 returned promptly. In the event that a course is postponed for
34 any reason, students shall be given the choice of attending the

1 course at a later date or of having their fees refunded in
2 full. If a student is unable to attend a course or cancels
3 registration in a course, sponsor policies regarding refunds
4 shall govern.

5 2891.0210 FACILITIES.

6 Each course of study must be conducted in a classroom or
7 other facility that is adequate to implement the offering.

8 2891.0220 SUPPLEMENTARY MATERIALS.

9 An adequate supply of supplementary materials to be used or
10 distributed in connection with an approved course must be
11 available in order to ensure that each student receives all of
12 the necessary materials. Outlines and any other materials that
13 are reproduced must be of readable quality.

14 2891.0230 ADVERTISING OF COURSES.

15 Subpart 1. **True.** Advertising must be truthful and not
16 deceptive or misleading.

17 Subp. 2. **Approval statement.** No advertisement, pamphlet,
18 circular, or other similar materials pertaining to an approved
19 offering may be circulated or distributed in this state unless
20 the following statement is prominently displayed:

21 "This course has been approved by the Minnesota
22 commissioner of commerce for residential contracting
23 or remodeling continuing education."

24 Subp. 3. **Approved course advertisements.** Advertising of
25 approved courses must be clearly distinguishable from the
26 advertisement of other nonapproved courses and services.

27 Subp. 4. **Limitation on advertising.** Courses may not be
28 advertised before approval, unless the course is described in
29 the advertising as "approval pending" and that is in fact the
30 case.

31 2891.0240 NOTICE TO STUDENTS.

32 At the beginning of each approved course, the following
33 notice must be handed out in printed form or must be read to
34 students:

1 "This residential contractor or remodeler course is
2 recognized by the commissioner of commerce as
3 satisfying hours of credit toward continuing
4 education requirements pursuant to Minnesota Statutes,
5 section 326.87. If you have any comments about this
6 course, please mail them to the Minnesota Commissioner
7 of Commerce."

8 2891.0250 AUDITS.

9 The commissioner may audit subject courses with or without
10 notice to the sponsor.

11 2891.0260 DENIAL OR WITHDRAWAL OF APPROVAL.

12 The commissioner may deny or withdraw the approval of a
13 coordinator, instructor, or course if it is determined that they
14 are not in compliance with Minnesota Statutes, chapter 326, or
15 this chapter.

16 2891.0270 REPORTS TO COMMISSIONER.

17 Continuing education credits must be reported by the
18 licensee on the form prescribed by the commissioner.

19 Forms will not be accepted unless they reflect all the
20 required hours. Incomplete forms will be returned to the
21 licensee.

22 Forms must be received by the commissioner no later than
23 March 31 of the year due. Forms that are postmarked no later
24 than March 15 shall be considered timely received if addressed
25 to the licensing unit of the Minnesota Department of Commerce.

26 2891.0280 CONTINUING EDUCATION COURSE VERIFICATION.

27 The continuing education course verification must be in the
28 form prescribed by the commissioner.