

## CHAPTER 326

## EMPLOYMENTS LICENSED BY STATE

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**326.01 DEFINITIONS.** Subdivision 1. **Words, terms and phrases.** For the purpose of this chapter, the terms defined in this section have the meanings ascribed to them.

**Subd. 2. Master electrician.** The term "master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation of wiring, apparatus, and equipment for electric light, heat, power, and other purposes in accordance with the standard rules and regulations governing such work.

**Subd. 3. Journeyman electrician.** The term "journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work.

**Subd. 4. Limited electrician.** The term "limited electrician" means a person having the necessary qualifications, training, and experience in wiring for, installing, or repairing special classes of electrical apparatus or equipment or for special classes of electrical wiring installations; or making minor alterations, extensions, and repairs to existing electrical circuits on electrical installations in towns, villages, or cities of the fourth class.

Subd. 5. **Electrical contractor.** The term "electrical contractor" means any person, firm, copartnership, corporation, association, or combination thereof, who undertakes or offers to undertake with another to plan for, lay out, supervise, and install or to make additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power for a fixed sum, price, fee, percentage, or other compensation.

Subd. 6. **Class B master electrician.** Class B master electrician means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation and repair of wiring apparatus and equipment for single phase systems of not over 200 ampere capacity for light, heat, power and other purposes on any farm or in any single family dwelling located in any town, village or city of the fourth class which has a population of less than 2,500 inhabitants, in accordance with standard rules and regulations governing such work.

Subd. 6a. **Journeyman electrician.** Class B journeyman electrician means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install and repair electrical equipment for single phase systems of not over 200 ampere capacity for light, heat, power, and other purposes on any farm or in any single family dwelling located in any town, village or city of the fourth class which has a population of less than 2,500 inhabitants, in accordance with standard rules and regulations governing such work.

Subd. 7. **Journeyman plumber.** A "journeyman plumber" is any person, other than a master plumber, who, as his principal occupation, is engaged as an employee of, or otherwise working under the direction of, a master plumber in the practical installation of plumbing.

Subd. 8. **Master plumber.** A "master plumber" is any person skilled in the planning, superintending, and the practical installation of plumbing and otherwise lawfully qualified to contract for plumbing and installations and to conduct the business of plumbing and who is familiar with the laws, rules, and regulations governing the same.

Subd. 9. **Plumber's apprentice.** A "plumber's apprentice" is any person, other than a journeyman or master plumber, who, as his principal occupation, is engaged in working as an employee of a master plumber under the immediate and personal supervision of either a master or journeyman plumber in learning and assisting in the installation of plumbing.

Subd. 10. **High pressure steam piping.** "High pressure steam piping" means steam piping operating under a pressure of 15 pounds or more per square inch.

Subd. 11. **Journeyman steamfitter.** A "journeyman steamfitter" is any person, other than a contracting steamfitter, who, as his principal occupation, is engaged in the practical installation of high pressure steam work.

Subd. 12. **Contracting steamfitter.** A "contracting steamfitter" is any person skilled in the planning, superintending, and the practical installation of high pressure steamfitting, and who is familiar with the laws, rules, and regulations governing the same.

Subd. 13. **Steamfitter's apprentice.** A "steamfitter's apprentice" is any person, other than a journeyman or master steamfitter, who, as his principal occupation, is engaged in learning and assisting in the installation of high pressure steamfitting.

Subd. 14. **Person.** The term "person" includes an individual, partnership, association, joint stock company, trust, or corporation.

Subd. 15. **Distributor.** The term "distributor" includes any person who engages, or contracts to engage, in the distribution of motion picture films and is a resident of, or legally authorized to do business in, this state.

Subd. 16. **Exhibitor.** The term "exhibitor" includes any person who engages, or contracts to engage, in the exhibition of motion picture films and is a resident of, or legally authorized to do business in, this state.

Subd. 17. **License.** The term "license" includes the offering, intending or making of a license agreement, contract, or any type of agreement whereby a film, the distribution of which is controlled by one of the parties is to be supplied to and exhibited in a theatre owned, controlled, or operated by the other party.

Subd. 18. **Feature motion picture film.** The term "feature motion picture film" means all motion pictures, whether copyrighted or uncopyrighted, including positive and negative prints and copies or reproductions of such prints, which films

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contain photoplays or other subjects and are produced for public exhibition. The term shall not include films commonly known as short subjects, newsreels, trailers, serials, re-issues, foreign, and western pictures, and road shows.

Subd. 19. **Exhibition season.** The term "exhibition season" means a period of 12 months as may be selected by the producer-distributor, but there shall be no lapse of time between the termination of one season and the beginning of the next.

Subd. 20. **Watchmaking.** The term "watchmaking" includes and means the repairing, replace, rebuilding, readjusting or regulating of the mechanical parts of watches, and the repairs thereof and the manufacturing and fitting of parts designed for use or used in watches. Such statements shall not include or mean the manufacturing or repairing of watch cases, but shall include the repairing of all winding mechanisms whether they are parts of such cases or not.

Subd. 21. **Board.** The term "board" means the "Minnesota Board of Examiners in Watchmaking."

[1907 c 457 s 8; 1913 c 554 s 1; 1933 c 349 s 5; 1937 c 367 s 1, 6; 1937 c 370 s 4; 1941 c 460 s 1; 1943 c 474 s 1; 1947 c 253 s 1; 1957 c 907 s 1-3] (5872, 5887, 5887-23, 5887-30, 5887-30e)

## ARCHITECTS, ENGINEERS, SURVEYORS

### 326.02 REGISTRATION OF ARCHITECTS, ENGINEERS, AND SURVEYORS.

Subdivision 1. **Registration mandatory.** In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing, or offering to practice, architecture, professional engineering, or land surveying in this state, either as an individual, a co-partner, or as agent of another, shall be registered as hereinafter provided. It shall be unlawful for any person to practice, or to offer to practice, in this state, architecture, professional engineering, or land surveying, or to solicit or to contract to furnish work within the terms of sections 326.02 to 326.16, or to use in connection with his name, or to otherwise assume, use or advertise any title or description tending to convey the impression that he is an architect, professional engineer (hereinafter called engineer) or land surveyor, unless such person is qualified by registration under sections 326.02 to 326.16.

Subd. 2. **Qualification requirements.** Any person shall be deemed to be practicing architecture, within the meaning of sections 326.02 to 326.16, who holds himself out as able to perform or who does perform any professional service, such as planning, design, or supervision of construction for the purpose of compliance with specifications and design, in connection with any private or public buildings, structures or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences, acquired by education or training.

Subd. 3. **Persons qualified.** Any person shall be deemed to be practicing professional engineering within the meaning of sections 326.02 to 326.16 who shall furnish any technical professional service, such as planning, design or supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private structures, buildings, utilities, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the principles of mathematics and the physical sciences, acquired by education or training.

Subd. 4. **Practice defined.** Any person shall be deemed to be practicing land surveying within the meaning of sections 326.02 to 326.16 who makes any survey for the establishment or re-establishment of land boundaries, or for the subdivision and platting of land or for the determination of areas.

Subd. 5. **Limitation.** The provisions of sections 326.02 to 326.16 shall not apply to the preparation of plans and specifications for the erection, enlargement, or alteration of any building or other structure by any person, for his, or his lessee's exclusive occupancy or use, unless such occupancy or use involves the public health or safety or the health or safety of the employees of said person, or his lessee; nor shall they apply to the preparation of plans and specifications for any building, structure, or work, which is not public as defined in section 326.03, the total cost of

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which does not exceed \$10,000; nor shall they apply to the preparation of plans and specifications for any single or two-family dwelling, nor to any farm building or accessory thereto; nor to any detailed or shop plans required to be furnished by a contractor to a registered engineer or architect, nor to any standardized manufactured product, nor to any construction superintendent supervising the execution of work designed by an architect or engineer registered in accordance with section 326.03.

[1921 c. 523 s. 1; 1933 c. 404 s. 1; 1945 c. 380 s. 1] (5697-1)

**326.03 REGISTRATION REQUIRED.** No person, except an architect, engineer or land surveyor, registered as provided for in sections 326.02 to 326.15 shall practice architecture, professional engineering, or land surveying, respectively, in the preparation of plans, specifications, report, plats or other engineering or architectural documents, or in the supervision of architectural, engineering, or land surveying work, for any public work or public improvement in this state, excepting any public work or public improvement the total cost of which does not exceed \$2,000, provided that plans and specifications for such work or improvement affecting water supply or waste disposal are approved by the appropriate state agency. Public work or public improvement is defined to mean work or improvement the cost of which is to be paid in whole or in part from public funds.

No plat, map, or drawing of any survey or subdivision of lands required by law to be filed or recorded with the register of deeds or registered with the registrar of titles of any county, shall be filed, recorded, or registered therein unless there shall be endorsed thereon a certificate by a registered land surveyor.

The provisions hereof shall not apply to any person holding an elective office when in discharging the duties thereof such person is required to do work or perform service of the character of work or service usually done or performed by an architect, engineer, or land surveyor.

[1921 c. 523 s. 2; 1933 c. 404 s. 1; 1945 c. 380 s. 2] (5697-2)

**326.04 STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND SURVEYORS.** To carry out the provisions of sections 326.02 to 326.15 there is hereby created a state board of registration for architects, engineers, and land surveyors (hereinafter called the board) consisting of nine members, who shall be appointed by the governor. Three members shall be registered architects, five members shall be registered engineers and one member shall be a registered land surveyor. Not more than one member of said board shall be from the same branch of the profession of engineering. The members of the first board shall be appointed to serve for the following terms: two members for one year; two members for two years; two members for three years; and one member for four years, said term ending on the first day of January of the succeeding years. On the expiration of each of said terms the term of office of each newly appointed or reappointed member of the board shall be for a period of four years and shall terminate on the first day of January; except that each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified. The two engineering members of the board added by this amendment shall be appointed for the following term: one for a term ending on the first day of January of the next succeeding year, and one for a term ending on the first day of January of the second succeeding year following his appointment. Thereafter their successors shall be appointed for a term of four years as provided for the other members of the board. The governor may remove any member of the board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the board, however created, shall be filled by appointment by the governor for the unexpired term.

[1921 c 523 s 3; 1949 c 86 s 1] (5697-3)

**326.05 QUALIFICATIONS OF BOARD MEMBERS.** Each member of the board shall be a citizen of the United States and a resident of this state at the time of his appointment. He shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. He shall be a member in good standing of a recognized society of architects, engineers, or land surveyors; and, except as provided in section 326.06, shall be a registered architect, registered engineer, or registered land surveyor.

[1921 c. 523 s. 4] (5697-4)

**326.06 GENERAL POWERS AND DUTIES OF BOARD.** Each member of the board shall receive a certificate of appointment from the governor, and, before

beginning his term of office, shall file with the secretary of state the constitutional oath of office. The board, or any committee thereof, shall be entitled to the services of the attorney general in connection with the affairs of the board, and the board shall have power to compel the attendance of witnesses, administer oaths, and take testimony and proofs concerning all matters within its jurisdiction. The board shall adopt and have an official seal, which shall be affixed to all certificates of registration granted; shall make all bylaws and rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture or engineering.

[1921 c. 523 s. 5] (5697-5)

**326.07 BOARD, MEETINGS OF, OFFICERS, QUORUM.** The board shall hold a meeting within 30 days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the bylaws of the board may provide. Notice of all meetings shall be given in such manner as the bylaws may provide. The board shall elect annually from its members a chairman, a vice-chairman and a secretary-treasurer. A quorum of the board shall consist of not less than five members, of whom two shall be architects and three engineers.

[1921 c. 523 s. 6; 1949 c. 86 s. 2] (5697-6)

**326.08 FEES, DISPOSAL OF; PAY OF BOARD MEMBERS; BONDS.** All fees and other moneys accruing from the operation of sections 326.02 to 326.15 shall be paid to the board and shall be used for the purposes of sections 326.02 to 326.15. The expenses of the board shall be paid by voucher made by the secretary-treasurer and approved by the chairman. Each member of the board shall receive such compensation as the board may direct, not to exceed \$10 per day for time spent in attending meetings of the board. The members of the board shall be reimbursed for actual expenses incurred in travel to and from meetings and for expenditures for hotel bills, meals, stationery, postage, printing, typewriting, and the like necessary expenses incurred in the performance of their duties under sections 326.02 to 326.15. The secretary-treasurer of the board shall give a surety bond satisfactory to the state treasurer, conditioned upon the faithful performance of his duties. The premium on the bond shall be regarded as a proper and necessary expense of the board.

[1921 c. 523 s. 7] (5697-7)

**326.09 RECORDS AND REPORTS OF BOARD.** The board shall keep a record of its proceedings and a register of all applicants for registration, showing for each the date of application, name, age, educational and other qualifications, place of business, and the place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered architects, engineers, and land surveyors shall be prepared by the secretary-treasurer of the board during the month of January, of each year; such roster shall be printed out of the funds of the board, as provided in section 326.08. On or before the first day of October in each even numbered year, the board shall submit a biennial report to the governor covering its activities during the two preceding fiscal years, together with a complete statement of the receipts and expenditures of the board, signed by the chairman and the secretary-treasurer, and a copy of the roster of registered architects, registered engineers, and registered land surveyors.

[1921 c. 523 s. 8; 1955 c. 847 s. 23; 1957 c. 15] (5697-8)

**326.10 CERTIFICATES OF REGISTRATION.** Subdivision 1. **Issuance.** The board shall on application therefor on a prescribed form, and the payment of a fee of \$15 for an architect, or \$15 for an engineer, issue a certificate of registration as an architect or engineer, and, on the payment of a fee of \$10, issue a certificate of registration as a land surveyor. A separate fee shall be paid for each profession registered.

(1) To any person over 25 years of age, who is a citizen of the United States or Canada, or who has made declaration of his intention to become a citizen of the United States; who speaks and writes the English language; who is of good moral character and repute, and has been actively engaged for eight or more years

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in architectural or engineering work, or engaged for six or more years in surveying work. The character of such work shall be satisfactory to the board. Each scholastic year of teaching or of study satisfactorily completed, of architecture, engineering, or land surveying in a school or college of architecture or engineering accredited by the national architectural accrediting board or by the engineers' council for professional development, shall be considered as equivalent to one year of such active engagement, provided, however, that three years of actual experience of a standard satisfactory to the board shall be required in addition to school attendance.

An honorably discharged veteran of World War I or World War II shall be given credit for such experience or education gained in the armed services of the United States as meets the standards fixed by the board.

(2) To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia, in any state or territory of the United States, or in any province of Canada, in which the requirements for registration of architects, engineers, or land surveyors are equal to those fixed by the board and by the laws of this state, and in which similar privileges are extended to the holders of certificates of registration issued by this state. The board may require such person to submit a certificate of his technical qualification from the National Council of Architectural Registration Boards in the case of an architect, and from the National Council of State Boards of Engineering Examiners in the case of an engineer.

**Subd. 2. Examination.** The board may subject any applicant to such examinations as may be deemed necessary to establish his qualifications.

In determining the qualifications in such cases of applicants for registration as architects, a majority vote of the architect members of the board only shall be required; in determining the qualifications in such cases of applicants for registration as engineers, a majority vote of the engineer members of the board only, shall be required; and in determining the qualifications of applicants for registration as land surveyors, the affirmative vote of the land surveyor member and of one engineer of the board only, shall be required.

**Subd. 3. Rules and regulations.** The board may make reasonable rules and regulations for classifying and registering engineers in divisions according to their qualifications to practice different classes of engineering work, and shall, in such case, register qualified applicants in one or more such divisions in which they shall qualify under the terms of sections 326.02 to 326.16 and shall, in any event, provide one such division for highway engineers.

Any person so qualified may be registered in two or all of these three professions.

**Subd. 4. M.S. 1957 [Repealed, 1959 c 336 s 6]**

**Subd. 4. Expiration.** Certificates of registration shall expire on the last day of the calendar year for which they are issued and shall become invalid on that date unless renewed. It shall be the duty of the secretary-treasurer of the board to notify, by mail, every person registered of the date of the expiration of his certificate and the amount of fee required for its renewal for one year; such notice shall be mailed to the registrant at his address as shown on the records of the board at least one month in advance of the date of the expiration of the certificate. Renewal may be effected at any time during the month of December by the payment of a fee of not to exceed \$15 for an architect or an engineer, and not to exceed \$10 for a land surveyor.

**Subd. 5. Delayed renewal fee.** The failure on the part of any registrant to renew his certificate annually in the month of December shall not deprive such person of his right of renewal thereafter, but the fees to be paid for the renewal of the certificate after the succeeding first day of January shall be \$3 for an architect, \$3 for an engineer, and \$3 for a land surveyor in addition to the renewal fee for each profession.

**Subd. 6. Architects or engineers-in-training.** Any candidate for registration as an architect or professional engineer who is a graduate of an accredited school or college of architecture or engineering or who has had four years or more of experience in architectural or engineering work of a character satisfactory to the board shall receive from the board, upon successfully passing an examination in fundamental architectural or engineering subjects, a certificate stating that he

has passed such examination and that his name has been recorded as an architect-in-training or as an engineer-in-training.

[1921 c 523 s 9; 1933 c 404 s 2; 1945 c 380 s 3; 1949 c 86 s 3; 1949 c 507 s 1; 1955 c 433 s 1; 1959 c 336 s 1, 2, 3, 4, 5; 1961 c 519 s 1] (5697-9)

**326.11 CERTIFICATES OF REGISTRATION, REVOCATION, RE-ISSUE, DUPLICATES.** Subdivision 1. **Revocation.** The board shall have the power to revoke or suspend as hereinafter provided, the certificate of registration of any architect, engineer, or land surveyor, who is found guilty by the board of any fraud or deceit in obtaining a certificate of registration, or of attaching his seal or signature to any plan, specification, report, plat, or other engineering or architectural document not prepared by him or under his direct supervision, or of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, or land surveying, or upon conviction of any violation of sections 326.02 to 326.16 or amendments thereof, or of any crime involving moral turpitude or upon adjudication of insanity or incompetency, and in the case of such conviction or adjudication, such revocation or suspension may be made by the board on its own motion on the filing with its secretary-treasurer of a copy of the minutes of such conviction and judgment or adjudication, duly certified by the clerk in whose custody they are, the same to be conclusive evidence of such conviction or adjudication.

Subd. 2. **Charges.** Any person may prefer charges of such fraud, deceit, misuse of seal or signature or of such gross negligence, incompetency, or misconduct against any person registered hereunder. Such charges shall be in writing, sworn to by the complainant, filed with the secretary-treasurer and submitted by him to the board; and, unless dismissed without hearing by the board as unfounded or trivial, shall be heard or determined by the board within three months after the date of such filing with the secretary-treasurer. A time and place for such hearing shall be fixed by the board.

Subd. 3. **Copy served; notice of hearing.** A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least 30 days before the date fixed for the hearing, and, in the event that such service cannot be effected 30 days before the hearing, the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition.

Subd. 4. **Hearing.** At the hearing the accused shall have the right to appear personally and by counsel, to cross-examine witnesses against him, and to produce evidence and witnesses in his defense. If, after said hearing, six or more members vote in favor of finding the accused guilty of any charge made against him, the board may revoke or suspend the certificate of registration of the accused.

Subd. 5. **Re-issue.** The board may re-issue a certificate of registration to any person whose certificate has been revoked, provided six or more members of the board vote in favor of such reissuance for reasons the board may deem sufficient.

Subd. 6. **Replacement of lost certificate.** A new certificate of registration to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules and regulations of the board. A charge of \$1.00 shall be made for such reissuance.

[1921 c 523 s 10; 1945 c 380 s 4; 1949 c 86 s 4] (5697-10)

**326.12 CERTIFICATES AS EVIDENCE; SEALS OF REGISTRANTS.** Subdivision 1. **Judicial proof.** The issuance of a certificate of registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect, registered engineer, or registered land surveyor while the certificate remains unrevoked or has not expired or has not been suspended.

Subd. 2. **Seal.** Each registrant may, upon registration, obtain a seal of a design approved by the board, bearing the registrant's name and the legend "registered architect," "registered professional engineer," or "registered land surveyor." Plans, specifications, plats, reports, and other documents prepared by a registrant may be stamped with the seal during the life of registrant's certificate. A rubber stamp facsimile thereof may be used in lieu of the seal on tracings from which prints are to be made or on papers which would be damaged by the regular seal. It shall be unlawful for any one to stamp or seal any document with the stamp or seal after the certificate of the registrant named thereon has expired, been revoked or suspended, unless said certificate shall have been renewed or reissued.

**Subd. 3. Certified signature.** Each plan, specification, plat, report, or other document which sections 326.02 to 326.16 require be prepared by a registered architect, registered engineer, or registered land surveyor shall bear the signature of the person preparing it, or the signature of the person under whose direct supervision it was prepared except for detailed or shop plans as exempted in section 326.02, subdivision 5. Each signature shall be accompanied by a certification that the signer is registered under sections 326.02 to 326.16. The provisions of this paragraph shall not apply to documents of an intra-office or intra-company nature.

[1921 c. 523 s. 11; 1945 c. 380 s. 5] (5697-11)

**326.13 PERSONS EXEMPT FROM REGISTRATION.** The following shall be exempted from the provisions of sections 326.02 to 326.15:

(1) Practice as an architect, an engineer, or a land surveyor in this state, by any person not a resident of and having no established place of business in this state, or any person resident in this state, but whose arrival in the state is recent; provided, however, such person shall have filed an application for registration as an architect, an engineer, or a land surveyor and shall have paid the fee provided for in section 326.10. Such exemption shall continue for only such reasonable time as the board requires in which to consider and grant or deny the application for registration; and, provided, such person is legally qualified to practice such profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in sections 326.02 to 326.15;

(2) Practice as an architect, an engineer, or a land surveyor by any person not a resident of, and having no established place of business in, this state, as a consulting associate of an architect, an engineer, or a land surveyor registered under the provisions of sections 326.02 to 326.15; provided, the non-resident is qualified for such professional service in his own state or country;

(3) Practice as an architect, an engineer, or a land surveyor solely as an officer or employee of the United States.

[1921 c. 523 s. 13; 1933 c. 404 s. 4] (5697-13)

**326.14 CORPORATIONS AND PARTNERSHIPS AUTHORIZED.** A corporation or partnership may engage in work of an architectural or engineering character, or in land surveying in this state, provided the person or persons connected with such corporation or partnership in responsible charge of such work is or are registered as herein required for the practice of architecture, engineering and land surveying.

[1921 c. 523 s. 14; 1933 c. 404 s. 5; 1945 c. 380 s. 6] (5697-14)

**326.15 FALSE IMPERSONATION.** It shall be unlawful for any person to present or attempt to use as his own the seal or certificate of another, or to give false or forged evidence of any kind to the board, or any member thereof, or to falsely impersonate any registrant of like or different name, or to use or attempt to use as his own the certificate of registration of another issued by any authority outside of this state, or to use or attempt to use an expired or revoked or suspended certificate of registration.

[1921 c. 523 s. 15; 1945 c. 380 s. 7] (5697-15)

**326.16 APPEALS TO DISTRICT COURT.** Any person aggrieved by any ruling or order of the board made under the provisions of sections 326.02 to 326.15, may appeal therefrom to any district court of the state by serving written notice of such intention upon the secretary-treasurer of the board, specifying such court, within 30 days after the same is made. The secretary-treasurer of the board shall thereupon file with the clerk of such court a certified copy of the order or rulings or findings of fact upon which the same are based, which shall be prima facie evidence of the facts therein stated. The trial of all issues on such appeal shall be de novo by the court and such appeal shall be heard and tried in the same manner as other issues of law and fact are heard and tried in such court, and the ruling or order of the board shall be stayed pending the said appeal.

[1933 c. 404 s. 6; 1945 c. 380 s. 8] (5697-16)

## ACCOUNTANTS

**326.17 STATE BOARD OF ACCOUNTANCY.** A board of examiners, to be known as the state board of accountancy, is hereby created to carry out the purposes and enforce the provisions of sections 326.17 to 326.23. It shall consist of five



citizens of this state to be appointed by the governor, and who shall be the holders of certificates issued under the provisions of sections 326.17 to 326.23, and shall hold office until the expiration of their respective terms and until their successors are appointed and have qualified. The members of the state board of accountancy in office on June 30, 1962, shall continue in office for the remainder of their respective unexpired terms, which terms expire on December 31 of successive years. If a member is unable or unwilling to complete the term for which he was appointed, the governor shall appoint a member for the remainder of his term. Upon the expiration of any term, the governor shall appoint a member of the board for a term of five years.

[1909 c 439 s 1; 1959 c 269 s 1; 1963 c 145 s 1] (5698)

**326.18 BOARD; DUTIES, OFFICERS, EXAMINATION, REPORT.** A majority of the board shall constitute a quorum. The board shall elect one of its number as chairman, another as vice chairman, and another as secretary and treasurer, who shall hold their respective offices for a term of one year and until their successors are elected. The affirmative vote of three members of the board shall be considered as the action of the board. The board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of moral character and general public experience, as prescribed in sections 326.17 to 326.23, in all examination conducted thereunder. The board shall make rules and regulations for the conduct of applicants' examinations and the character and scope of such examinations, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of sections 326.17 to 326.23. All such examinations shall be conducted by the state board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper published in each of the counties where the examinations are to be held, and not less than 20 days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board, but not less than once in each year. The board shall keep records of its proceedings, an accurate list of all applications made, certificates issued, certificates registered, and certificates revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements. It shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate issued or registered under sections 326.17 to 326.23. All records of the board shall be open to the inspection of the public at the office of its secretary. It shall report biennially, on or before October 1 in each even numbered year to the governor for the two preceding fiscal years, as follows:

- (1) Its receipts and disbursements;
- (2) Names of persons to whom certificates have been issued;
- (3) Names of all persons whose certificates have been revoked;
- (4) Recommendations, if any, for new legislation; and
- (5) Such other matters as the board may deem proper.

[1909 c 439 s 2; 1955 c 847 s 24; 1959 c 269 s 2; 1963 c 145 s 2] (5699)

**326.19 CERTIFICATION; QUALIFICATION OF ACCOUNTANTS; ANNUAL REGISTRATION.** Subdivision 1. **Certificates, to whom granted.** No certificate for a certified public accountant shall be granted to any person other than a citizen of the United States, or a person who has, in good faith, duly declared his intention of becoming such citizen, who is over the age of 21 years and of good moral character and who shall have completed at least three years of public accounting experience (1) as a staff employee of a certified public accountant or public accountant or (2) as an examiner in the office of public examiner, an auditor in the division of cooperative accounting, state department of agriculture, or as an auditor or examiner with any other agency of government, which experience, in the opinion of the board is equally comprehensive and diversified or (3) as a self-employed public accountant or as a partner in a firm of public accountants or (4) in any combination of the foregoing capacities, and except under the provision of section 326.20, who shall have successfully passed an examination in such subjects as the board may prescribe in its rules. No person shall be permitted to take such examination unless he shall, have completed the experience require-

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EMPLOYMENTS LICENSED BY STATE 326.22

ments set forth in this section or, in the alternative, shall have graduated with a major in accounting from the university of Minnesota or from any other college or university which, in the opinion of the board, offers an equivalent education. The certificate of certified public accountant shall not be issued until after the applicant has furnished evidence that he has fulfilled the experience requirements set forth in this section.

**Subd. 2. Annual registration card.** Every holder of a certified public accountant certificate issued by the board, if he is engaged, or intends to be engaged, in public practice at any time during a calendar year shall obtain a registration card for such year.

The board shall, in December of each year, upon application made by any holder of an unrevoked Minnesota certificate as a certified public accountant issue a registration card which shall be good until December thirty-first of the next succeeding year, unless the said certificate shall sooner be revoked. Interim registration cards shall be issued to individuals who have satisfied the provisions of sections 326.17 through 326.23 within the year.

A certified public accountant shall be deemed in public practice if he performs professional accounting services for a fee for a person other than his employer, or if he is an employee of a person in public practice.

[1909 c 439 s 3; 1933 c 236; 1947 c 31 s 1; 1949 c 577 s 1; 1957 c 48; 1959 c 269 s 3; 1961 c 113 s 1; 1963 c 145 s 3] (5700)

**326.20 CERTIFICATE WITHOUT EXAMINATION.** The state board of accountancy may, in its discretion, waive the examination of and may issue a certificate for certified public accountant to any person possessing the qualifications mentioned in section 326.19, who:

(1) Is the holder of a C.P.A. certificate, issued under the laws of another state provided the requirements for the degree in the state which has granted it to the applicants are, in the opinion of the state board of accountancy, equivalent to those herein provided; or

(2) Shall be the holder of a degree of certified public accountant or chartered accountant, or the equivalent thereof, issued in any foreign government, provided that the requirements for such degree are equivalent to those herein provided for the degree of certified public accountant.

[1909 c 439 s 4; 1963 c 145 s 4] (5701)

**326.21 HOLDER OF CERTIFICATE, HOW STYLED.** Any person who has received from the state board of accountancy a certificate of his qualifications to practice as a public accountant shall be known and styled a certified public accountant; and no other person, who has not received such certificate and no corporation shall assume such title or the title of certified accountant, or the abbreviation C.P.A., or any other words, letters, or abbreviations tending to indicate that the person, or corporation so using the same is a certified public accountant. No partnership shall style itself as a firm of certified public accountants unless (1) all partners resident in this state are certified public accountants of this state and (2) all managers in charge of offices maintained in this state are certified public accountants of this state and (3) all partners, wherever situated, are certified public accountants of one of the states or territories or of the District of Columbia.

[1909 c 439 s 5; 1959 c 269 s 4] (5702)

**326.22 FEES.** Subdivision 1. **Fee for examination and certificate.** The state board of accountancy shall charge for each examination and certificate provided for in sections 326.17 to 326.23 a fee to be prescribed in the rules of the board, not to exceed \$50, to meet the expenses of such examination. This fee shall be payable by the applicant at the time of making his initial application, and no additional charge shall be made for the issuance of a certificate to any applicant.

**Subd. 2. Annual registration fee.** Each person to whom an annual registration card is issued shall pay an annual fee (not in excess of \$10) at the rate set by the board for such year.

**Subd. 3. Expenses of administration.** From the fees collected under sections 326.17 to 326.23 the board shall pay all expenses incident to the examinations, hearings, and expense of issuing certificates, traveling expenses of the board while performing their duties. The members of the board of accountancy shall be paid all necessary expenses incurred in the performance of their duties.

[1909 c 439 s 6; 1959 c 269 s 5; 1963 c 145 s 5] (5703)

**326.23 REVOCATION OR SUSPENSION; REINSTATEMENT.** The state board of accountancy may revoke or suspend any certificate issued under sections 326.17 to 326.23, for bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct; provided, a written notice shall have been mailed to the holder of such certificate at least 20 days before any hearing thereon, stating the cause for such contemplated action and appointing a time and place for a hearing thereon by the state board of accountancy; and, provided, further, that no certificate issued under sections 326.17 to 326.23 shall be revoked or suspended until an opportunity for such hearing shall have been afforded. At all such hearings the attorney general, or one of his assistants designated by him, shall attend. Certificates issued under sections 326.17 to 326.23 shall be surrendered to the state board of accountancy on their revocation or suspension by the board.

The state board of accountancy may reinstate a revoked certificate upon a petition for reinstatement by the former holder thereof. The board of accountancy shall appoint a time and place for the hearing on such petition and may prescribe any necessary rules and regulations relating to such reinstatement of a revoked certificate not inconsistent with any provisions of the statutes relating to public accountancy.

[1909 c 439 s 7; 1933 c 283; 1963 c 145 s 6] (5704)

#### ELECTRICIANS; ELECTRICITY

**326.24 STATE BOARD OF ELECTRICITY.** Subdivision 1. **Members; term; vacancies; officers; meetings.** The state board of electricity shall consist of seven members, residents of the state, appointed by the governor, each for a term of five years, and until his successor qualifies, of whom 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 journeymen electricians, and one a consulting electrical engineer or electrical inspector of a city of the first class. Vacancies shall be filled in the same manner and from the same class from which the retiring member belonged. The board shall select from its members a president, a secretary, and a treasurer, prescribe rules for the management of its affairs, and adopt a seal. Each member shall receive \$25 per diem for time spent in performance of his duties, the actual expenses incurred in the performance of his duties, and, in addition thereto, actual expenses for employees, rent, office supplies, postage, and printing as the board may allow; all to be paid out of the funds of the board. The board shall meet at least once a month and may meet at any other time at places designated by it, for the purpose of conducting examinations and transacting such other business necessary in the conduct of its affairs. The present board of electricity shall be continued, and the governor shall appoint new members, as designated herein, when the terms of the present members shall expire.

Subd. 2. **Fees and reports; jurisdiction.** All fees collected under the provisions of sections 326.24 to 326.32 shall be devoted to the uses of the state board of electricity and, on or before October 1 in each even numbered year, biennially, the board shall report to the governor, in writing, the items of its receipts and disbursements for the preceding two years. The state board of electricity shall have jurisdiction, and is hereby empowered to enforce the provisions of sections 326.24 to 326.32; provided, however, the state board of electricity shall not have any jurisdiction, authority or right of inspection over the signal systems and all parts thereof employed and operated by railroad common carriers or the installations, materials, or equipment which are owned, leased, operated or maintained by a utility and which are used in making electricity available to the individual consumer and are on the utility side of the point of attachment or connection with the consumer owned or controlled electrical facilities, or over any such utility, its employees, agents, or independent contractors, when doing electrical work on or in connection with such installations or equipment.

Subd. 3. **Inspections.** Any electrical installation in any new construction or major remodeling or repair, except in cities of the first and second class and such other municipalities as have inspection similar to that herein provided, shall be inspected to assure the user of electricity that such installation is installed in compliance with approved standards of safety to life and property as herein defined.

Such inspection may be made by an electrical representative regularly employed by the state board of electricity, or by any electrical inspector regularly engaged as such and certified by the state board of electricity with authority to make electrical inspections in a designated area. If such installation does not comply with the National Electrical Code, and he deems it to be hazardous to life or property, the inspector may condemn such installation or may order service thereto disconnected, and on such condemnation or order for disconnection for service shall send a copy of such order to the state board of electricity. This action shall be taken only after the owner of the premises has been duly notified, subject to the right of appeal within ten days from the date of the filing of the report with the board. An installation which has been condemned shall not be connected for service, or, if already connected and ordered disconnected, shall not be reconnected for service until it has been brought up to the required standards and proof thereof furnished to the state board of electricity. In addition to the supervision hereinbefore provided for, the board may make the original inspection when so requested and, in such event, may charge a fee sufficient to defray the cost of inspection to be paid by the person, firm, or corporation requesting the inspection.

**Subd. 4. Licensing; grades and classifications of other states.** To the extent that other states which provide for the licensing of electricians provide for similar action, the state board of electricity may grant licenses of the same grade or class to electricians licensed by other states, upon payment by the applicant of the required fee, after being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in Minnesota.

**Subd. 5. Rules and regulations.** The state board of electricity may promulgate reasonable rules and regulations for establishment and collection of fees for carrying out and enforcing the provisions for inspection services.

[*R L s 2357; 1913 c 554 s 1; 1937 c 314 s 1; 1947 c 253 s 2; 1951 c 555 s 1; 1955 c 847 s 25; 1957 c 907 s 4, 5; 1959 c 496 s 1; 1965 c 123 s 1*] (5872)

**326.25 ELECTRICAL CONTRACTOR; JOURNEYMAN OR SPECIAL ELECTRICIAN; LICENSES; TEMPORARY PRACTICE.** Subdivision 1. **Contractor's license.** No person shall operate as an electrical contractor unless he be licensed as a master electrician. No individual, firm, copartnership, or corporation shall engage in business as electrical contractors unless they have a licensed master electrician in their employ.

**Subd. 2. Limited electrician's license.** No person shall work as a journeyman, class B journeyman or limited electrician unless he be licensed as such by the state board of electricity, except that a person who shall furnish evidence satisfactory to the board as having the required experience may make written application and pay the required fee to the state board of electricity, and may work as a journeyman or limited electrician until the next following examination of which he shall be notified.

[*R L s 2358; 1913 c 554 s 2; 1937 c 314 s 2; 1947 c 253 s 3; 1957 c 907 s 6*] (5873)

**326.26 MASTER ELECTRICIANS.** Subdivision 1. **Bond.** Every master electrician shall, before receiving license as such, give bond to the state in the penal sum of \$1,000, which bond shall be approved by, and filed with, the state board of electricity. This bond is to be conditioned upon the faithful performance of all work entered upon or contracted for by the master.

**Subd. 2. Qualifications.** An applicant for a master electrician's license shall furnish written evidence that he is a graduate of a four-year electrical course of an accredited university or college; or that he is a graduate of an electrical trade school approved by the state board of electricity and has had at least three years of practical experience in electrical work; or that he has had at least five years of experience in planning, laying out, supervising, or installing wiring, apparatus, or equipment for electric light, heat, and power; and shall pay an examination fee of \$25.

**Subd. 3. Journeymen electricians.** An applicant for a journeyman electrician's license shall furnish evidence, in writing, that he has had at least four years experience in wiring for, installing, and repairing electrical apparatus and equipment for light, heat, and power; and shall pay an examination fee of \$10.

**Subd. 4. Limited electricians.** An applicant for a limited electrician's license shall furnish evidence, in writing, that he has had at least two years experience in some special class of electrical work; and shall pay an examination fee of \$10. Such

special class of electrical work shall be specified on his license.

Subd. 5. **Class B master electricians.** An applicant for a class B master electrician's license shall furnish written evidence that he has had at least three years of experience in planning for, laying out, supervising, installing and repairing electrical wiring and equipment for light, heat, and power and shall pay an examination fee of \$15.

Subd. 6. **Class B journeymen.** An applicant for a class B journeyman electrician's license shall furnish written evidence that he has had at least two years experience in wiring for, installing, and repairing electrical equipment for light, heat, and power and shall pay an examination fee of \$10.

[R L s 2359; 1913 c 554 s 3; 1937 c 314 s 3; 1943 c 242 s 1; 1947 c 253 s 4; 1951 c 475 s 1; 1955 c 457 s 1-3; 1957 c 907 s 7-10] (5874)

**326.261 CLASS C INSTALLER.** Subdivision 1. A temporary "Class C Installer" classification is hereby created.

Subd. 2. The term "Class C Installer" means a person having the necessary qualifications and knowledge to wire for and install major electrical home appliances on the load side of the service entrance equipment in accordance with the applicable provisions of Minnesota Statutes, Sections 326.24 to 326.32.

Subd. 3. An applicant for a "Class C Installer" license shall certify by affidavit, subject to verification by the board of electricity, that he has had at least one year's experience in installing or repairing electrical wiring or, in lieu thereof, he shall furnish proof that he has completed a post high school course in electricity satisfactory to the board and he shall pay an examination fee of \$10.

Subd. 4. Every applicant for "Class C Installer" license who passes the examination shall pay an additional fee of \$5 before such license is issued, which fee shall keep his license in force for one year; and shall pay a renewal fee of \$5 each year.

Subd. 5. Upon qualifying for and receiving license as such, a Class C Installer may undertake to lay out, install and repair electrical wiring and apparatus for major electrical home appliances on the load side of the main service entrance equipment in homes in accordance with applicable provisions of Minnesota Statutes, Sections 326.24 to 326.32.

Subd. 6. Every "Class C Installer" shall, before receiving license as such, give bond to the state in the penal sum of \$1,000, which bond shall be approved by, and filed with, the state board of electricity. This bond is to be conditioned upon the faithful performance of all work entered upon or contracted for by the Class C Installer.

Subd. 7. A "Class C Installer" shall be limited to performing the work described in this section in farm homes and villages under 1500 not contiguous to any city of the first class and which does not have an established business therein of a master electrician, or Class B master electrician as defined in Minnesota Statutes, Section 326.01, Subdivisions 2 and 6.

Subd. 8. [Repealed, 1965 c 329 s 1]

[1959 c 496 s 2; 1961 c 490 s 1; 1963 c 136 s 1]

**326.27 ADDITIONAL FEES.** Every applicant for a master electrician's license who passes the examination shall pay an additional fee of \$25 before such license is issued, which fee shall keep his license in force for one year; and shall pay a renewal fee of \$25 each year. Every applicant for a class B master's license who passes the examination shall pay an additional fee of \$15 before such license is issued, which shall keep his license in force for one year, and shall pay a renewal fee of \$15 each year. Every applicant for a journeyman electrician's license who passes the examination shall pay an additional fee of \$5 before such license is issued, which fee shall keep his license in force for one year; and shall pay a renewal fee of \$5 each year. Every applicant for a limited electrician's license who passes the examination shall pay an additional fee of \$5 before such license is issued, which shall keep his license in force for one year; and shall pay a renewal fee of \$5 each year.

[R L s 2360; 1937 c 314 s 4; 1947 c 253 s 8; 1955 c 457 s 4; 1957 c 907 s 11] (5875)

**326.28 NEW EXAMINATION AFTER FAILURE TO RENEW LICENSE; APPRENTICES.** If a licensee shall fail to renew his license for a period of two years or more after its expiration, such licensee may be required by the board to again take the examination. All examination and license fees shall be paid to the treasurer

of the state board of electricity and shall be for the use of the board to carry out the provisions of sections 326.24 to 326.32. Any person may work as an apprentice to a licensed electrician, but shall not do any electrical wiring for or installing electrical apparatus, or equipment for light, heat, or power, except with a licensed electrician.

[R. L. s. 2361; 1913 c. 554 s. 4; 1937 c. 314 s. 5] (5876)

**326.29 EMPLOYEES EXCEPTED.** Employees of public service corporations or municipal utilities distributing or selling electrical energy for light, heat, or power for operating street railway systems, or telephone or telegraph systems, shall not be required to hold licenses while doing electrical work on, or in connection with, property owned, leased, or operated by any such municipality or corporation. The rules and regulations of the railroad and warehouse commission, the commissioner of insurance, and the industrial commission, and all local municipal ordinances governing such work shall be observed.

[R. L. s. 2362; 1913 c. 554 s. 5; 1937 c. 314 s. 6] (5877)

**326.30 [Unnecessary]**

**326.31 SECOND EXAMINATION; REVOCATION OF LICENSE; HEARING; APPEAL.** Subdivision 1. **Second examination.** Any applicant who shall fail to pass the examination shall not be entitled to take another examination until at least six months thereafter, except that he may take an examination for a lesser grade.

Subd. 2. **Hearing.** Upon written complaint against any licensed electrician the board shall hold a hearing, written notice of which shall be given to the complainant and to such licensed electrician at least ten days in advance of such hearing. After hearing the evidence of both parties the board shall have the power to revoke or suspend such license, subject to appeal before a court of competent jurisdiction.

Subd. 3. **Death of master electrician; bond.** In the case of the death of a master electrician employed by, or engaged as, an electrical contractor, the board may accept a bond from a legal representative connected with the decedent's business and authorize such person by letter to carry on the decedent's business as an electrical contractor until arrangements can be made to complete work under contract or otherwise comply with the terms of Laws 1947, Chapter 253, for a period not to exceed six months. The bond required by this section shall be filed with the board and shall be conditioned on the faithful performance of all work entered upon or contracted for by said person acting in the capacity of the decedent.

Subd. 4. **Inspection by political subdivision authorized.** The governing body of any political subdivision of the state may by ordinance or resolution make provisions for inspection of all electrical installations within its jurisdiction. Electrical inspectors appointed by any such body must have a license as a master or journeyman electrician. No electrical inspector shall engage in the business of the sale, installation, or maintenance of electric wiring devices, appliances, or equipment, and shall have no financial interest in any concern engaged in such business within the subdivision for which he is appointed.

[1937 c 314 s 7; 1947 c 253 s 9] (5878-1)

**326.32 ELECTRICAL EQUIPMENT AND INSTALLATIONS; COMPLIANCE WITH STANDARDS; CERTIFICATE OF INSPECTION; PENALTY.** Subdivision 1. **Compliance with standards; American standards association specifications; national electrical safety code.** All electrical wiring, apparatus, and equipment for electric light, heat, and power shall comply with the rules and regulations of the railroad and warehouse commission, the commissioner of insurance, or the industrial commission, under the authority of the state statutes and in conformity with approved methods of construction for safety to life and property. The regulations as laid down in the national electrical code as approved by the American standards association, and in the national electrical safety code as issued by the United States bureau of standards, shall be prima facie evidence of such approved methods; provided, that nothing herein contained shall prohibit any municipality from making and enforcing more stringent requirements than those set forth herein, and that such requirements shall be complied with by all licensed electricians working within the jurisdiction of such municipalities.

Subd. 2. **Proof of compliance, inspection certificates, affidavits, violations, penalties.** No electrical installation shall be connected for use until proof has been furnished to the person, firm, or corporation supplying electrical energy for such

installation that the regulations above recited have been complied with. Proof of such compliance shall consist of a certificate furnished by an inspector certified by the state or by a municipal or other recognized inspection department or officer. Until such time as the inspection can be made, proof of such compliance shall consist of an affidavit furnished by the contractor or other person doing the wiring, certifying that there has been such compliance. Except as to inspection certificates issued by municipal inspection departments and such inspections made by electrical representatives of the State Board of Electricity, a copy of each inspection certificate shall be filed with the State Board of Electricity, together with a supervisory fee of 50 cents. For transient projects requiring temporary electrical service or for projects in process of construction, the person, firm, or corporation furnishing electric current shall not be required to obtain a certificate of inspection or an affidavit showing compliance with the requirements above stated, until completion of the projects. Any person who shall perform any services for another in installing or repairing electrical wires or apparatus without having complied with the provisions of sections 326.24 to 326.32 respecting registration and license, or who violates any provision of sections 326.24 to 326.32 is guilty of a misdemeanor.

[*R L s 2364; 1937 c 314 s 8; 1947 c 253 s 10; 1951 c 555 s 2*] (5879)

326.33 [Repealed, 1945 c 130 s 1]

PRIVATE DETECTIVES, PROTECTIVE AGENTS

**326.331 LICENSES.** No person shall engage in the business of private detective, investigator, or protective agent for fee or reward unless previously licensed as herein provided. Any person desiring to engage in such business may for each office or agency to be maintained by such person apply to the secretary of state for a license. Upon application by any person qualified under sections 326.331 to 326.339 to engage in such business, the secretary of state shall issue such a license for a period of two years upon the conditions herein set forth, such license to continue for said period so long as such licensee remains a qualified person and complies with the provisions of sections 326.331 to 326.339 and with the laws of Minnesota. No person shall be deemed qualified to hold such a license who is not a citizen of the United States or who has been convicted of felony by the courts of this or any other state or of the United States, or who has been convicted anywhere of acts which if done in Minnesota would be assault, theft, larceny, unlawful entry, extortion, defamation, buying or receiving stolen property, using, possessing, or carrying weapons or burglar tools or escape, or who has been convicted in any other country of acts which if done in Minnesota would be a felony or would be any of the other offenses specified above, nor shall any person who shall make any false statement in any application for license hereunder be deemed a qualified person to hold any such license. No other license shall be required by any other political unit or subdivision.

[*1945 c 130 s 2; 1957 c 774 s 1; 1959 c 317 s 1*]

**326.332 APPLICATION FOR LICENSE.** Subdivision 1. The application for such license shall be in duplicate and shall state:

- (1) The full name, age, sex, residence for the past five years, present and previous occupations and employers, of all persons signing the application;
- (2) That each person signing the application is a citizen of the United States;
- (3) That the person, firm, or corporation applying for the license is a resident of the state of Minnesota, or that the applicant holds an equivalent license in another state, which state shall be set forth;
- (4) The municipality, stating the street and number or such apt description as will reasonably indicate the location in said municipality, where the licensed office of the applicant is to be located;
- (5) Such further facts as may be required by the secretary of state to show the good character, competency and integrity of each person signing the application;
- (6) If applicant is a corporation, the name of the corporation, the date and place of its incorporation, the location of its principal place of business or registered office, in its state of incorporation.

Subd. 2. Each application shall be signed and acknowledged as follows: (1) if applicant is a person, by such person; (2) if applicant is a partnership, by each partner; (3) if applicant is a corporation, by the president and secretary thereof, and by the active managers of the office to be licensed.

[*1945 c 130 s 3; 1957 c 774 s 2*]

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**326.333 INFORMATION AND MATERIAL ACCOMPANYING APPLICATION.** Each such application shall be accompanied by:

(1) A surety bond executed by a company authorized to do business in the state of Minnesota wherein the applicant shall be principal, with sureties to be approved by the secretary of state, to the state of Minnesota, in the penal sum of \$5,000, upon the condition that applicant and each of applicant's employees shall faithfully observe all the laws of Minnesota and of the United States, including sections 326.331 to 326.339, and shall pay all damages suffered by any person by reason of the violation of any such law by applicant or by the commission of any wilful and malicious wrong by any such applicant in the course of the conduct of such business. Action upon such bond may be brought by any person so aggrieved not later than within two years of the act complained of;

(2) For each person signing the application the verified certificates of at least five citizens not related to the signer who have known the signer for more than five years, certifying that the signer is of good moral character;

(3) Two photographs and a full set of fingerprints for each person signing the application;

(4) A duly acknowledged certificate evidencing the fact that at least one of the persons signing the application has been regularly employed as a detective or has been a member of the United States government investigative service, a sheriff or member of a city police department of a rank or grade higher than that of patrolman, or equivalent occupation, for a period of not less than three years;

(5) An acknowledged certificate evidencing the fact that at least one of the persons signing the application for protective agent has been regularly employed as a detective or has been a member of the United States government investigative service, a sheriff or member of a city police department of a rank or grade higher than that of patrolman, or equivalent part time occupation or special training, for a period of not less than three years.

[1945 c 130 s 4; 1957 c 774 s 3; 1959 c 317 s 2]

**326.334 FEES; LICENSING PROCEDURE.** Subdivision 1. Each such applicant for private detective license shall pay to the secretary of state a fee, if an individual, of \$100 or if a partnership or corporation of \$200, which fee shall be returned to the applicant if the application for license be denied. Each applicant for protective agent shall pay to the secretary of state a fee, if an individual, of \$50, or if a partnership or corporation of \$100, which fee shall be returned to the applicant if the application for license be denied. Upon the receipt of any such application, the secretary of state forthwith shall:

(1) Post notice in his office and notify persons who specifically request notification thereof;

(2) Transmit to the bureau of criminal apprehension the duplicate copy of the application and the fingerprints of the signers;

(3) Conduct such further investigation as he shall deem necessary to determine the competence and fitness of the applicant.

Subd. 2. It shall be the duty of the bureau of criminal apprehension to compare such fingerprints with state criminal identification records, to conduct a sufficient investigation of the persons signing such application so as to determine their competence, character and fitness for such a license, and to report his findings to the secretary of state. If within 20 days of such posting no person has objected in writing to the secretary of state to the issuance of such license, if it shall appear that the statements in the application are true, and if it shall appear from the investigations of the bureau of criminal apprehension and the secretary of state that the applicant is qualified for such license; then the secretary of state shall issue a license to such applicant.

Subd. 3. Any such license so issued shall be in a form to be prescribed by the secretary of state, shall specify the full name of the applicant, the registered address of the office or agency for which issued, the date on which it is issued, the date on which it will expire, and shall be kept conspicuously posted in the office or place of business of the licensee for whom issued.

Subd. 4. The license granted pursuant to this section shall expire after a period of two years, and may be renewed by the secretary of state so long as the applicant remains qualified. Application for renewal shall be made by the licensee on a form prescribed by the secretary of state, shall be accompanied by a fee



of \$20 for private detective or \$10 for protective agent and a surety bond equivalent to that required by section 326.333, and shall be filed with the secretary of state before the date of expiration of the previously issued license.

Subd. 5. If a licensee moves his office or agency to an address other than that described in the license certificate, he shall, within 24 hours immediately following such move, send his license certificate, together with written notice to the secretary of state, which notice shall describe the premises to which such move is made and the date on which it was made. Upon receipt of such certificate and notice the secretary of state shall endorse on the face thereof the date of such change and the new registered address of such office or agency, and shall return the certificate to the licensee.

Subd. 6. In the case of a corporate licensee, due notice of the death, resignation or removal of any person who has signed the application shall forthwith be given to the secretary of state, together with a copy of the minutes of any meeting of the board of directors indicating the death, resignation or removal of such person, and the election or designation of the successor thereof.

Subd. 7. Every license certificate shall be surrendered to the secretary of state within 72 hours after its term shall have expired or after notice in writing to the holder that such license has been revoked.

Subd. 8. Every license issued prior to the passage of Laws 1957, Chapter 774, shall expire on December 31, 1958, but may be renewed in accordance with the provisions of this section; provided, that the holder of such a license shall have within six months after the passage of Laws 1957, Chapter 774, furnished the secretary of state with the information and material required by sections 326.332 and 326.333.

[1945 c 130 s 5; 1955 c 820 s 33; 1957 c 774 s 4; 1959 c 317 s 3, 4]

**326.335 OBJECTIONS; NOTICE TO APPLICANT; HEARING.** If any person shall make timely and particular objection to the issuance of a license to any applicant upon the ground that such applicant is not a qualified person to hold a license or has made false statements in the application, or shall complain in writing with particularity to the secretary of state that any licensee has not observed the provisions of sections 326.331 to 326.339 or any other law of Minnesota, or has ceased to be a qualified person, then the secretary of state shall, within five days, notify such applicant or such licensee of such objection or such complaint, and shall promptly, at a place and time to be appointed by him, hold a hearing to determine whether the allegations of such objection or complaint be true. Such hearing shall be public and be had upon the testimony of witnesses under oath, and the secretary of state shall have power to compel the attendance of witnesses and the production of evidence by application to any district court for subpoena ad testificandum or subpoena duces tecum, and to receive testimony by deposition taken by stipulation or pursuant to a commission which may be issued by any district court as in civil actions. If the averments of the objection or of the complaint be supported by a preponderance of the credible evidence presented at such hearing, the secretary of state shall make findings of fact and, as the case may be, deny the application, or revoke the license or suspend it for a period not in excess of one year, and unless the objection or complaint be so supported he shall, as the case may be, issue the license or dismiss the complaint. An appeal upon the law and facts from any finding or determination of the secretary of state may be taken within 20 days by any person aggrieved thereby to the district court of Ramsey county, and such court shall review the finding or determination de novo, and reverse, affirm, or modify it as the evidence before it may require.

[1945 c. 130 s. 6]

**326.336 EMPLOYEES OF LICENSEES.** No licensee shall knowingly employ any person not qualified to hold a license. No person shall be employed by any licensee until he shall have executed under oath and furnished such licensee a statement setting forth his full name, age and residence, the business or occupation in which he has been engaged for the three years immediately preceding, disclosing the place or places of such business or occupation and the name or names of his employers and showing that he has never been convicted of a felony or of any offense disqualifying him from holding a license under sections 326.331 to 326.339, and setting forth such further information as the secretary of state may by rule require to show the good character, competency and integrity of the person executing the statement. No employee of any licensee shall divulge to any-

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one other than his employer, or as his employer shall direct, except as he may be required by law, any information acquired by him during such employment in respect of any matter or investigation undertaken or done by such employer. Any such employee who shall make any false statement in his employment statement or who shall violate the provisions of this section, or who shall wilfully make a false report to his employer in respect of any matter in the course of his employer's business shall be guilty of a gross misdemeanor. Each employee of a license holder shall have in his possession an identification card bearing his name, picture, employer, signature, and such other information as the license holder issuing the identification card cares to include. No identification card shall contain the word "police" or any other marking indicating the holder is a member of a police department or peace officer.

[1945 c 130 s 7; 1959 c 317 s 5]

**326.337 VIOLATIONS.** It is unlawful for the holder of a license knowingly to commit any of the following acts within or without the state of Minnesota: To incite, encourage, or aid in the incitement or encouragement of any person who has become a party to any strike to do unlawful acts or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employees of any person, firm, or corporation with the intention of having them strike; to interfere with or prevent lawful and peaceful picketing during strikes; to interfere with, restrain or coerce employees in the exercise of their right to form, join, or assist any labor organization of their own choosing; to interfere with or hinder the lawful or peaceful collective bargaining between employees and employers; to pay, offer or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right of self-organization and their right to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing; to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without Minnesota, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards regularly employed for the protection of payrolls, property, or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents any arms, munitions, tear gas implements, or any other weapons; to use in any manner the word "police" on any vehicle, badge, emblem, stationery, advertising of any private detective or protective agent as defined in section 326.338 and no vehicle, emblem, or badge shall be designed or worn as imitative of any such vehicle, emblem, or badge used by a police department, highway patrol, or peace officer, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. The violation of any of the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than \$500 or one year's imprisonment or both. It is unlawful for the holder of a license to collect or offer or attempt to collect or directly or indirectly to engage in a business of collecting of debts or claims of any kind, excepting recovery for the payee of money described in a dishonored check given for goods, money, or services furnished by the payee, and excepting, that the repossession of property in the temporary possession of defaulting purchasers of conditional sale agreements or under other circumstances by which title to said property has not been transferred to the temporary possessor shall not be considered a violation of this section.

[1945 c 130 s 8; 1959 c 317 s 6]

**326.338 PERSONS ENGAGED AS PRIVATE DETECTIVES OR PROTECTIVE AGENTS.** Subdivision 1. Persons who for fee or reward or any consideration shall engage in the business of investigators, or who for fee, reward or any consideration shall make investigations for the purpose of obtaining information for others with respect to any of the following matters: Crime or wrongs done or threatened against the government of the United States or of any state or municipal subdivision thereof; the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation or character of any person or organization; the credibility

of witnesses or other persons; the whereabouts of missing persons; the location or recovery of lost or stolen property; the origin of and responsibility for libels, losses, accidents, or damage or injuries to real or personal property; the affiliation, connection or relation of any person, firm, or corporation with any organization, society or association, or with any official, representative or member thereof; the conduct, honesty, efficiency, loyalty or activities of employees or persons seeking employment, agents, contractors and subcontractors; the evidence to be used before any authorized investigating committee, board of award, board of arbitration, administrative body or officer or in the trial of civil or criminal cases; or the identification or apprehension of persons suspected of crimes or misdemeanors shall be deemed engaged in the business of private detective.

Subd. 2. Any person who shall furnish, for hire or reward, watchmen or guards or private patrolmen or other persons to protect other persons or their property or to prevent the theft, unlawful taking of goods, merchandise or money, or to prevent the misappropriation or concealment of goods, merchandise, money, choses in action, or other valuable things, or to procure the return thereof; shall be deemed engaged in the business of protective agent, provided that no person engaged exclusively in making investigations and reports respecting the financial rating and credit responsibility of persons or corporations engaged in business, or respecting financial rating, credit responsibility and character of applicants for insurance, indemnity bonds or commercial credit, shall be deemed engaged in such business or that of private detective, nor shall any employee or peace officer of the United States or of this or any state while in the discharge of his official duties, nor any attorney at law engaged in the discharge of his professional duties, nor any full-time employee making investigations respecting pending or possible claims against his employer be deemed engaged in such business. A licensed private detective may perform those duties attributable to a protective agent without obtaining any additional license.

[1945 c 130 s 9; 1959 c 317 s 7]

**326.339 VIOLATION A GROSS MISDEMEANOR.** Any violation of any provision or requirement of sections 326.331. to 326.339 not otherwise punishable shall be deemed a gross misdemeanor.

[1945 c. 130 s. 10]

**326.34-326.36** [Repealed, 1945 c 130 s 1]

## PLUMBERS

**326.37 PLUMBERS; SUPERVISION BY STATE BOARD OF HEALTH.** The state board of health may, by regulation, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city, village, or town in which located. Such regulations, upon approval of the attorney general and their legal publication, shall have the force of law, and the violation of any part thereof shall constitute a misdemeanor.

The board shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

[1933 c. 349 s. 1; 1937 c. 370 s. 1] (5887-19)

**326.38 LOCAL REGULATIONS.** Any city or village having a system of waterworks or sewerage, or any town in which reside over 5,000 people exclusive of any villages located therein, may, by ordinance, adopt local regulations providing for plumbing permits, bonds, approval of plans, and inspections of plumbing, which regulations are not in conflict with the plumbing standards on the same subject prescribed by the state board of health. No city or village or such town shall prohibit plumbers licensed by the state board of health from engaging in or working at the business, except cities and villages which, prior to April 21, 1933, by ordinance required the licensing of plumbers. Any city or village by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person, firm, or corporation engaged in the business of installing water softeners, who is not licensed as a master plumber or journeyman plumber by the state board of health, to connect water softening and water filtering equipment to private resi-

dence water distribution systems, where provision has been previously made therefor and openings left for that purpose or by use of cold water connections to a domestic water heater; where it is not necessary to rearrange, make any extension or alteration of, or addition to any pipe, fixture or plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the state board of health.

[1933 c 349 s 2; 1937 c 370 s 2; 1941 c 367 s 1; 1953 c 166 s 1; 1957 c 921 s 1] (5887-20)

### **326.39 VIOLATIONS TO BE REPORTED TO STATE BOARD OF HEALTH.**

Such local authority as may be designated by any such ordinance for the issuance of such plumbing permits and approval of such plans shall report to the state board of health persistent or wilful violation of the same and any incompetence of a licensed plumber observed by the local authority.

[1933 c. 349 s. 3] (5887-21)

**326.40 PLUMBERS MUST BE LICENSED IN CERTAIN CITIES OR VILLAGES; MASTER AND JOURNEYMAN PLUMBERS; PLUMBING ON ONE'S OWN PREMISES; RULES FOR EXAMINATION.** In any city or village now or hereafter having 5,000 or more population, according to the last federal or state census, and having a system of water-works or sewerage, no person, firm, or corporation shall engage in or work at the business of a master plumber or journeyman plumber unless licensed to do so by the state board of health. A master plumber may also work as a journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the state board of health on premises or that part of premises owned and actually occupied by him as his residence, unless otherwise forbidden to do so by a local ordinance.

In any such city or village no person, firm, or corporation shall engage in the business of installing plumbing nor install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of such person, firm, or corporation.

The state board of health shall prescribe rules and regulations, not inconsistent herewith, for the examination and licensing of plumbers.

[1933 c. 349 s. 4; 1937 c. 370 s. 3; 1941 c. 367 s. 2] (5887-22)

**326.41 EXAMINERS.** The state board of health shall appoint three examiners, of whom one shall be a practical master plumber, one a practical journeyman plumber, and one a representative of the board, to be known as the plumbing examiners. Such master plumber and such journeyman plumber shall each receive his expenses and such sum per diem for each day actually engaged in duties connected with the carrying out of the provisions of sections 326.37 to 326.45 as the board shall fix by its order.

[1933 c. 349 s. 6] (5887-24)

**326.42 APPLICATIONS.** Applications for plumber's license shall be made to the state board of health, with fee. Unless the applicant is entitled to a renewal, he shall be licensed by the state board of health only after passing a satisfactory examination by the examiners showing fitness. Examination fees for both journeyman and master plumbers shall be \$5. Upon being notified that he has successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. Annual license fees shall be \$5 for journeymen and \$25 for master plumbers but persons qualifying for license after June 30 of any year shall be issued a license for the remainder of the calendar year upon payment of one-half of the annual fee. Licenses shall expire December 31, but may be renewed upon application made the following January or February, but if in February only upon payment of an additional fee of \$1 for a journeyman and \$5 for a master plumber.

[1933 c 349 s 7; 1937 c 370 s 5; 1941 c 367 s 3; 1959 c 78 s 1] (5887-25)

**326.43 BOARD MAY REVOKE LICENSES.** The board may revoke any license obtained through error or fraud, or if the licensee is shown to be incompetent, and for a wilful violation of any of its rules and regulations, or of local ordinances applicable to such work, or of sections 326.37 to 326.45, or for knowingly aiding or abetting one to do plumbing work who is not properly licensed, or the employing

by a master plumber of an unlicensed person to do plumbing work in places where licenses are required. The licensee shall have notice in writing, enumerating the charges, and be entitled to a hearing by the board upon at least five days' notice, with the right to produce testimony. The board may appoint, in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses. The decision of the board shall be based on the testimony and records. One year from the date of revocations application may be made for a new license.

[1933 c. 349 s. 8; 1937 c. 370 s. 6] (5887-26)

**326.44 FEES PAID TO STATE TREASURER.** All fees received under sections 326.37 to 326.45 shall be paid by the state board of health to the state treasurer, and an amount of moneys equal to the amount so paid over by the board to the treasurer is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the board for the purpose of carrying out the provisions of sections 326.37 to 326.45. The salaries of the necessary employees of the board and the per diem of the inspectors and examiners hereinbefore provided, their expenses and all incidental expenses of the board in carrying out the provisions of sections 326.37 to 326.45, shall be paid, on order of the board, from such appropriation, but no expense or claim shall be incurred or paid in excess of the amount received from the fees herein provided.

[1933 c. 349 s. 10] (5887-28)

**326.45 STATE LICENSE; EXAMINATION; APPLICATION.** The provisions of sections 326.37 to 326.45 which require state licenses to engage in the work or business of plumbing, and the provisions which provide for the examination of applicants for such licenses, shall only apply in cities, villages, or boroughs having a population of 5,000 or more.

[1933 c. 349 s. 11; 1937 c. 370 s. 7] (5887-29)

#### STEAMFITTERS

**326.46 INDUSTRIAL COMMISSION TO SUPERVISE STEAM PIPING.** The industrial commission shall supervise all high pressure steam piping in connection with all building in this state and may prescribe minimum standards which shall be uniform.

The commission shall employ inspectors and other assistants to carry out the provisions of sections 326.46 to 326.52.

[1937 c. 367 s. 2] (5887-30a)

**326.47 CITY OR VILLAGE MAY PROVIDE FOR INSPECTION; PERMIT.** Any city or village may, by ordinance, prescribe rules and regulations for materials, construction, and inspection of high pressure steamfitting and provide that it shall not be installed in any building except in accordance with plans approved or provided in the ordinances, and that no steamfitting shall be done except minor repairs upon prescribed conditions.

Such local authority as may be designated by any such ordinance for the issuance of such steamfitting permits and such approved plans shall report to the industrial commission persistent or wilful violations of the same and any incompetency of a licensed steamfitter observed by such local authority.

[1937 c. 367 ss. 3, 4] (5887-30b, 5887-30c)

**326.48 STEAMFITTERS MUST BE LICENSED.** No person, firm, or corporation shall engage in or work at the business of a contracting steamfitter or journeyman steamfitter unless licensed to do so by the industrial commission. No license shall be required for minor repairs on existing installations, provided such repairs shall be made in compliance with the prescribed minimum standards of the industrial commission. A contracting steamfitter may also work as a journeyman steamfitter.

No person, firm, or corporation shall engage in the business of installing high pressure steam piping, nor install high pressure steam piping in connection with the dealing in and selling of high pressure steam material and supplies, unless, at all times, a licensed steamfitter, who shall be responsible for proper installation, is in charge of the high pressure steamfitting work of such person, firm, or corporation.

The industrial commission shall prescribe rules and regulations, not inconsistent herewith, for the examination and licensing of steamfitting.

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[1937 c. 367 s. 5] (5887-30d)

**326.49 EXAMINERS.** The industrial commission shall appoint three examiners, of whom one shall be a practical contracting steamfitter, one a practical journeyman steamfitter, and one a member or employee of the commission, to be known as the steamfitting examiners. Each examiner, except the regular employee or the secretary of the commission, shall receive his expenses and such sum per diem for each day actually engaged as the commission shall fix by its order.

[1937 c. 367 s. 7] (5887-30f)

**326.50 APPLICATION; FEES.** Application for a steamfitter's license shall be made to the industrial commission, with fees. Unless the applicant is entitled to a renewal, he shall be licensed only after passing a satisfactory examination by the examiners showing fitness. Fees for journeymen shall be \$10 for examination and \$4 for renewal, and for contracting master steamfitters \$40 for examination and \$30 for renewal. Licenses shall expire December 31, but may be renewed upon application made the following January or February; but, if in February, only upon payment of an additional fee of \$2 for a journeyman and \$10 for a contracting master steamfitter.

[1937 c 367 s 8; 1951 c 119 s 1; 1959 c 134 s 1] (5887-30g)

**326.51 COMMISSION MAY REVOKE LICENSES.** The commission may revoke any license obtained through error or fraud, or if the licensee is shown to be incompetent, or for a second wilful violation of any of its rules and regulations applicable to such work. The licensee shall have notice, in writing, enumerating the charges, and be entitled to a hearing by the commission on at least five days' notice, with the right to produce testimony. The commission may appoint, in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses. The decision of the commission shall be based on the testimony and records. One year from the date of revocation application may be made for a new license.

[1937 c. 367 s. 9] (5887-30h)

**326.52 FEE PAID TO STATE TREASURER.** All fees received under sections 326.46 to 326.52 shall be paid by the industrial commission to the state treasurer, and an amount of money equal to the amount so paid over by the commission to the treasurer is hereby appropriated, out of any funds in the state treasury not otherwise appropriated, to the commission for the purpose of carrying out the provisions of sections 326.46 to 326.52. The salaries and per diem of the inspectors and examiners hereinbefore provided, their expenses, and all incidental expenses of the commission in carrying out the provisions of sections 326.46 to 326.52 shall be paid on order of the commission from such appropriation, but no expense or claim shall be incurred or paid in excess of the amount received from the fees herein provided.

[1937 c. 367 s. 11] (5887-30j)

## MOTION PICTURE FILM EXHIBITORS

**326.523 LICENSE PROVISIONS; DISTRIBUTION; CANCELATION.** No distributor shall hereafter license feature motion picture films to an exhibitor to be exhibited, shown or performed in this state unless the license provides:

(1) That all the feature motion picture films, which such distributor will license during the exhibition season, or the unexpired portion thereof, shall be included: the term "all the feature motion picture films" applies to each producer for whom the distributor is acting; and

(2) That the exhibitor shall have the right to cancel a minimum of 20 percent of the total number of feature motion pictures included in such license where the exhibitor deems the same injurious and damaging to his business or offensive on moral, religious, or racial grounds.

The cancellation shall be made proportionately among the several price brackets, if there be such price brackets in the license agreement. Any number of cancellation to which an exhibitor is entitled, may be made the lowest price bracket at the exhibitor's option.

The right to cancellation shall not be effective, unless the exhibitor exercises such right by giving notice thereof, to the distributor, by registered mail, within 15 days after being notified of the availability of a feature motion picture. In determining the number of feature motion pictures that may be canceled, fractions

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of one-half or more shall be counted as one and fractions of less than one-half shall not be counted.

[1941 c. 460 s. 2]

**326.524 LICENSES MAY NOT CONTAIN CERTAIN RESTRICTIONS.** No distributor shall license feature motion picture films to an exhibitor to be exhibited, shown, or performed in this state, upon the condition that the exhibitor must also license short subjects, newsreels, trailers, serials, re-issue, foreign, and western motion picture films.

[1941 c. 460 s. 3]

**326.525 LICENSES, WHEN VOID.** Any provision of any license hereafter made and entered into which is contrary to any provisions of sections 326.523 to 326.526 and 326.01, subdivisions 14 to 19, is hereby declared to be against public policy and void.

[1941 c. 460 s. 4]

**326.526 APPLICATION OF SECTIONS 326.523 to 326.526.** The provisions of sections 326.523 to 326.526 and 326.01, subdivisions 14 to 19, shall not apply to the licensing of motion picture films to any school, college, university, church, or any educational, fraternal, or religious organizations in this state.

[1941 c. 460 s. 7]

**326.53 VIOLATIONS; PENALTY PROVISIONS.** Subdivision 1. (1) Any violation of the provisions of sections 326.02 to 326.23 shall be a gross misdemeanor.

(2) Every person violating any of the provisions of sections 326.523 to 326.526, or assisting in such violation, shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or, in default of the payment of such fine, by imprisonment in the county jail for not more than one year. In the case of a corporation, the violation of these sections shall be deemed to be also that of the individual directors, officers, or agents of such corporation who have assisted in such violation, or who have authorized, ordered, or done the acts or omissions constituting, in whole or in part, such violation; and, upon conviction thereof, any such directors, officers, or agents shall be punished by fine or imprisonment as herein provided.

Subd. 2. (1) Any person violating any of the provisions of sections 326.37 to 326.45 or who shall wilfully make any false representations to the board of health in applying for a license or permit shall be guilty of a misdemeanor.

(2) Any person violating any of the provisions of sections 326.46 to 326.52 or who shall wilfully make any false representation to the industrial commission in applying for a license or permit shall be guilty of a misdemeanor.

Subd. 3. Anyone not having a certificate of registration and license who shall hold himself out as a watchmaker or as qualified to do watchmaking, or anyone who shall violate any of the provisions of sections 326.54 to 326.546, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$20 nor more than \$100 or by imprisonment in the county jail for not less than 30 nor more than 90 days or by both such fine and imprisonment.

[1907 c 457 s 7; 1909 c 439 s 8; 1921 c 523 s 12; 1933 c 349 s 9; 1933 c 404 s 3; 1937 c 367 s 10; 1941 c 460 s 5; 1943 c 474 s 9; 1945 c 380 s 9; 1961 c 753 s 1] (5697-12, 5705, 5886, 5887-27, 5887-30i)

## WATCHMAKERS

**326.54 WATCHMAKERS TO BE REGISTERED AND LICENSED.** No person shall engage in watchmaking for profit or compensation of any kind, without first obtaining a certificate of registration and license, as hereinafter provided, which license shall at all times be conspicuously displayed in his place of business.

[1943 c 474 s 2; 1961 c 753 s 2]

**326.541 BOARD OF EXAMINERS IN WATCHMAKING.** (1) There is created a board to be known as the "Minnesota Board of Examiners in Watchmaking," whose duties it shall be to administer the provisions of Laws 1943, Chapter 474. Such board shall consist of five members, appointed by the governor within 60 days after the effective date of Laws 1943, Chapter 474. All persons so appointed shall have been residents of this state and actually engaged in watchmaking, as defined in section 326.01, subdivision 20, for at least five years immediately preceding the time of their appointment. Each member of the board shall hold office for four years and until his successor shall be appointed, and qualifies, except that in the first appointments three members shall be appointed for four years, two for two

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years, and the term of office in such case shall be designated by the governor at the time of the appointment. The board of five to consist of not less than two employees.

(2) The board shall choose annually, one of its members as president and one as secretary, who shall severally have power to administer oaths and take affidavits certifying thereto under the seal of the board. The board shall meet at such times and places as the officers may direct. A majority of the board shall constitute a quorum. The secretary shall give such bond as the board shall determine to be proper. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The members and officers of the board shall be paid a per diem of \$25 for time spent in the performance of his duties but not to exceed in one year the total sum of \$750; also they shall be paid mileage of 7½ cents per mile, and actual and necessary expenses for lodging and meals. The secretary, in addition to such per diem and expenses, may be paid an annual salary not to exceed \$2,500. All expenses connected with the operation of the board shall be defrayed from the revenue derived from the licenses, renewals, and examination fees.

(3) The board shall establish suitable and proper uniform apprenticeship regulations; may retain administrative or legal counsel, if it deems needed or proper; and to appoint one clerk or assistant to the secretary, exempt from civil service, and to fix the salary therefor.

(4) The secretary shall collect the fees and shall pay the same into the state treasury, to be kept by the state treasurer in a fund entitled "Watchmakers' fund." The secretary shall draw by warrant for necessary expenses which shall be paid from said fund.

[1943 c 474 s 3; 1947 c 620 s 1; 1961 c 753 s 3]

**326.542 EXAMINATIONS; FEES.** Applicants for certificates shall be examined at a time and place fixed by the board. Applications for examination shall be filed with the board at least ten days before the date set for the examination and shall be accompanied by an examination fee of \$25. The applicant shall be of good character, at least 19 years of age, and possess such training and experience as the board shall determine to be requisite.

[1943 c 474 s 4; 1947 c 620 s 2; 1961 c 753 s 4]

**326.543 EXAMINATIONS; RE-EXAMINATIONS.** An applicant to be entitled to a certificate, shall pass an examination before the board which examination shall be confined to such knowledge, practical ability and skill as is essential in the proper repairing of watches, and shall include a practical demonstration of the applicant's skill in the manipulation of watchmakers tools. The board shall make rules and regulations for conducting examinations and shall define the standards of workmanship and skill. In the case of failure at any examination, the applicant shall have the privilege of taking another examination at any other examination period upon the payment of a fee of \$10.

[1943 c 474 s 5; 1961 c 753 s 5]

**326.544 CERTIFICATES OF REGISTRATION AND LICENSES OF REGISTRATION.** (1) If the applicant successfully passes the examination, the secretary of the board shall register such fact and shall issue to him a certificate of registration and license.

(2) A watchmaker in good standing, registered and licensed in another state or states and having engaged in watchmaking therein for two years immediately preceding his application for a certificate and license, upon filing with the board satisfactory proof thereof and upon a personal interview with the board, shall be issued a certificate and license, without examination upon the payment of a fee of \$25.

(3) Licenses of registration shall expire on May 1 of each year and must be renewed within 30 days for one year upon payment of a fee of \$15, or less at the discretion of the board. If such license of registration is not renewed on or before June 30 of the year in which issued, such registrant may be required to pay a penalty of \$2 in addition to the renewal fee. Application may be made for renewal after the fifteenth day of March of each year.

(4) The board shall issue a temporary 60 day certificate upon payment of a fee of \$2.

[1943 c 474 s 6; 1947 c 620 s 3; 1961 c 753 s 6]

**326.545 CERTIFICATES FOR APPRENTICE WATCHMAKERS.** Any person



16 years of age or over, of good character, apprenticed to a registered watchmaker in accordance with the regulations determined and established by the board, may pursue the trade of watchmaking upon obtaining from the board a certificate of registration as an apprentice watchmaker, which certificate shall be conspicuously displayed at all times at the place of employment of such apprentice. Apprentice watchmakers shall pay a fee of \$3 annually.

[1943 c 474 s 7; 1961 c 753 s 7]

**326.546 MAY REVOKE LICENSES AND CERTIFICATES.** (1) The board may revoke a license and certificate of registration upon the failure of the holder thereof to pay the annual renewal fee, upon giving said holder 30 days notice in writing of such proposed revocation.

(2) The board may revoke a license and certificate of registration obtained through error of the board or fraud on the part of the applicant, or if the holder is grossly incompetent, guilty of unethical conduct, or obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking. The holder of such certificate shall be given 30 days notice in writing, enumerating the charges and specifying a date for the hearing on such charges. At the hearing he shall have the opportunity to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and transcript kept on file with the board. The holder may within 30 days after revocation file with the secretary of the board, a written notice of appeal to the district court of Ramsey county, and the secretary shall transmit to the court and to the attorney general a certified copy of the record. The appeal shall be tried by the court de novo.

(3) One whose certificate and license has been revoked, may, upon the expiration of one year after such revocation, apply to the board for registration and, upon satisfactory proof that the cause of revocation no longer exists, the board may, in its discretion, issue to said person a certificate of registration and license upon payment of the fees herein provided.

(4) "Unethical Conduct" includes and means any conduct of a character likely to mislead, deceive, or defraud the public; advertising of any character in which untruthful or misleading statements are made; advertising of prices on watch repairing or the giving of any watch parts, gratis or at less than cost, performance of any service in pursuance of any such advertising; loaning of certificate or license of registration to any person, performance of any work upon a watch in an unworkmanlike or unskilled manner, representation that certain services or parts are necessary or have been or will be used in the repair of a watch, although such services or parts are not necessary and have not been used in such repairs; employing, directly or indirectly, any unregistered watchmaker to perform any watchmaking, or repairs on watches, or non-compliance, within 30 days, with the directions given in a written notice from the board to terminate employment with any person who is violating the provisions of Laws 1943, Chapter 474.

[1943 c 474 s 8; 1961 c 753 s 8]

#### MEMBERS OF ARMED FORCES

**326.55 NONPAYMENT OF LICENSE FEES.** Subdivision 1. **Definitions.** As used in this section:

(1) "Employment essential to the prosecution of the present war and to the national defense" means employment by the United States of America, any of its agencies, or any contractor under the United States of America, or subcontractor under such contractor, in work connected with the prosecution of the present war or for the defense of the United States of America and others of the United Nations during such war.

(2) "Outside of the United States" means outside of the territorial limits of the 50 states of the United States and the District of Columbia.

Subd. 2. **Members of armed forces need not pay license fees.** Any person required by law to be licensed or registered in order to carry on or practice a trade, employment, occupation or profession in the State of Minnesota who is also required by law to renew his license or certificate of registration at stated intervals and to pay a fee for such renewal on or before a specified date, or be subject to revocation of his license or certificate or other penalties, who has since the enactment by the Congress of the United States of the Selective Service and Training Act of 1940 entered, or shall hereafter enter, the armed forces of the United

States of America, or who has since the enactment of said act been engaged, or shall hereafter be engaged, in employment, outside of the United States, essential to the prosecution of the present war and to the national defense, whose license or certificate of registration was effective at the time he entered the armed forces or engaged in the employment aforesaid, is hereby exempted from the payment of all renewal fees and from the filing of any application for renewal, which but for this act would have been required of him as a condition of the renewal of his license or certificate, during the time he has been in such armed forces or in such employment, and from any penalties for nonpayment or late payment, and is hereby exempted from further payment of such renewal fees and from the making of any application for renewal during the period he shall remain in such armed forces or is engaged in such employment, and for a further period of six months from his discharge from the armed forces, if a member thereof, or from the date of his return within the boundaries of the United States if engaged in the employment hereinbefore referred to. His license or certificate in the meantime shall remain in full force and effect, and if it has been cancelled or revoked since the date of the enactment of the Selective Service and Training Act of 1940 solely on the ground of nonpayment of renewal fees, or failure to apply for a renewal, it shall be reinstated upon the application of the licensee or registrant or any one on his behalf without the payment of any penalties or costs. Any such person may within six months from the date of his release from the armed forces of the United States, if he has been a member of such armed forces, or from the date of his return within the boundaries of the United States if he has been engaged in employment hereinbefore referred to, make application for a renewal of his license or certificate without penalty and in the same manner as if he had made application therefor at the time or times specified by existing laws.

[1943 c 121; 1965 c 45 s 52]

**326.56 LICENSES, CERTIFICATES OF REGISTRATION; RENEWALS.** Subdivision 1. **Definitions.** For the purposes of this section the terms defined in this subdivision shall have the meanings ascribed to them.

(1) "Employment essential to the prosecution of any war and to the national defense" means employment by the United States of America, any of its agencies, or any contractor under the United States of America, or subcontractor under such contractor, in work connected with the prosecution of war or for the defense of the United States of America and others of the United Nations during war.

(2) "Outside of the United States" means outside of the territorial limits of the 50 states of the United States and the District of Columbia.

**Subd. 2. Trade licenses or registrations, renewals; exemption of members of armed forces.** Any person required by law to be licensed or registered in order to carry on or practice a trade, employment, occupation or profession in the State of Minnesota who is also required by law to renew his license or certificate of registration at stated intervals and to pay a fee for such renewal on or before a specified date, or be subject to revocation of his license or certificate or other penalties, who has since the enactment by the Congress of the United States of the Selective Service and Training Act of 1940 entered, or shall hereafter enter, the armed forces of the United States of America, or who has since the enactment of said act been engaged, or shall hereafter be engaged, in employment, outside of the United States, essential to the prosecution of any war or to the national defense, whose license or certificate of registration was effective at the time he entered the armed forces or engaged in the employment aforesaid, is hereby exempted from the payment of all renewal fees and from the filing of any application for renewal, which but for this section would have been required of him as a condition of the renewal of his license or certificate, during the time he has been in such armed forces or in such employment, and from any penalties for nonpayment or late payment, and is hereby exempted from further payment of such renewal fees and from the making of any application for renewal during the period he shall remain in such armed forces or is engaged in such employment, and for a further period of six months from his discharge from the armed forces, if a member thereof, or from the date of his return within the boundaries of the United States if engaged in the employment hereinbefore referred to. His license or certificate in the meantime shall remain in full force and effect, and if it has been canceled or revoked since the date of the enactment of the selective service and training act of 1940 solely on the ground of nonpayment of renewal fees,

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or failure to apply for a renewal, it shall be reinstated upon the application of the licensee or registrant or any one on his behalf without the payment of any penalties or costs. Any such person may within six months from the date of his release from the armed forces of the United States, if he has been a member of such armed forces, or from the date of his return within the boundaries of the United States if he has been engaged in employment hereinbefore referred to, make application for a renewal of his license or certificate without penalty and in the same manner as if he had made application therefor at the time or time specified by existing laws.

[1951 c 301 s 1, 2; 1965 c 45 s 53]