

CHAPTER 326

EMPLOYMENTS LICENSED BY STATE

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**326.02 REGISTRATION OF ARCHITECTS, ENGINEERS, SURVEYORS AND LANDSCAPE ARCHITECTS.**

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, land surveying or landscape architecture 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, land surveying or landscape architecture, or to solicit or to contract to furnish work within the terms of sections 326.02 to 326.15, 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), land surveyor or landscape architect, unless such person is qualified by registration under sections 326.02 to 326.15.

Subd. 2. **Practice of architecture.** Any person shall be deemed to be practicing architecture, within the meaning of sections 326.02 to 326.15, 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 assuring 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, and by experience. For the purposes of this subdivision "supervision" is a professional service as distinguished from superintending of construction and means the performance or the supervision thereof, of reasonable and ordinary on the site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

Subd. 3. **Practice of professional engineering.** Any person shall be deemed to be practicing professional engineering within the meaning of sections 326.02 to 326.15 who holds himself out as able to perform or who does perform any technical professional service, such as planning, design or observation 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 and applied engineering sciences, acquired by education or training, and by experience.

*[For text of subd 4, see M.S.1980]*

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Subd. 4a. **Practice of landscape architecture.** Any person shall be deemed to be practicing landscape architecture, within the meaning of sections 326.02 to 326.15, who holds himself out as able to perform or who does perform any professional service in connection with the development of land areas where the dominant purpose of the service is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight and hazards. This practice shall include the location and arrangement of tangible objects and features incidental and necessary to the purposes outlined but shall not include the design of structures or facilities with separate and self-contained purposes as ordinarily included in the practice of engineering or architecture or the preparation of boundary surveys or final land plats, as ordinarily included in the practice of land surveying.

Nothing contained in sections 326.02 to 326.15 concerning landscape architects shall be construed:

(a) To apply to a professional engineer duly registered under the laws of this state;

(b) To apply to an architect registered under the laws of this state;

(c) To apply to a land surveyor registered under the laws of this state;

(d) To prevent a registered architect or professional engineer from doing landscape planning and designing;

(e) To exclude nurserymen or other small businessmen from the preparation of landscape plans appropriate to the normal operation of their business;

(f) To authorize a landscape architect to engage in the practice of architecture, engineering, or land surveying;

No person shall use the designation landscape architect or any title or device indicating or representing that the person is a landscape architect or is practicing landscape architecture unless the person is registered under the provisions of sections 326.02 to 326.15.

Subd. 5. **Limitation.** The provisions of sections 326.02 to 326.15 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 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 of the buildings listed in section 326.03, subdivision 2, nor to any detailed or shop plans required to be furnished by a contractor to a registered engineer, landscape architect, or architect, nor to any standardized manufactured product, nor to any construction superintendent supervising the execution of work designed by an architect, landscape architect, or engineer registered in accordance with section 326.03, nor to the planning for and supervision of the construction and installation of work by an electrical contractor or master plumber as defined in and licensed pursuant to this chapter, where such work is within the scope of such licensed activity and not within the practice of professional engineering or architecture as defined in section 326.02, subdivisions 2 and 3.

**History:** 1Sp1981 c 4 art 1 s 25-29

## 326.03 LICENSE REQUIRED.

[For text of subs 1 to 4, see M.S.1980]

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Subd. 5. The provisions of sections 326.02 to 326.15 shall not apply to inspection and service work done by employees of insurance companies, their agents, or insurance rating bureaus.

**History:** *1Sp1981 c 4 art 1 s 30*

## **326.08 EXPENSES OF BOARD AND MEMBERS.**

Subdivision 1. The expenses of administering sections 326.02 to 326.15 shall be paid from the appropriation made to the board. The expenses of the board shall be paid by voucher made by the executive secretary and approved by the chairman. Each member of the board shall receive \$35 for each day or portion thereof that he attends a meeting of the board or is otherwise engaged in performing official business of the board. The members of the board shall be reimbursed for ordinary and actual expenses in the same amount and manner as state employees.

*[For text of subd 2, see M.S.1980]*

**History:** *1Sp1981 c 4 art 1 s 31*

## **326.11 LICENSE SUSPENSION, REVOCATION, REISSUANCE, REPLACEMENT.**

Subdivision 1. **Revocation or suspension.** The board shall have the power to revoke or suspend the license of any architect, engineer, land surveyor or landscape architect, who is found guilty by the board of any fraud or deceit in obtaining a license, or of attaching his seal or signature to any plan, specification, report, plat, or other architectural, engineering, land surveying or landscape architectural document not prepared by him or under his direct supervision, or of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, land surveying or landscape architecture, or upon conviction of any violation of sections 326.02 to 326.15 or amendments thereof, or of any crime involving moral turpitude or upon adjudication of insanity or incompetency.

*[For text of subds 5 and 6, see M.S.1980]*

**History:** *1Sp1981 c 4 art 1 s 32*

## **326.12 LICENSE AS EVIDENCE; SEAL.**

*[For text of subds 1 and 2, see M.S.1980]*

Subd. 3. **Certified signature.** Each plan, specification, plat, report, or other document which sections 326.02 to 326.15 require be prepared by a licensed architect, licensed engineer, licensed land surveyor or licensed landscape architect shall bear the signature of the person preparing it, or the signature of the person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is licensed under sections 326.02 to 326.16, by the person's license number, and by the date on which the signature was affixed. The provisions of this paragraph shall not apply to documents of an intra-office or intra-company nature.

**History:** *1Sp1981 c 4 art 1 s 33*

## **326.13 PRACTICE EXEMPT.**

Practice of architecture, engineering or land surveying in this state prior to licensure by the board shall be permitted under the following conditions and limitations:

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(1) By any person or firm not a resident of and having no established place of business in this state, or any person or firm resident in this state, but whose arrival in the state is recent; provided, however, such person or a person connected with such firm:

(a) is registered or licensed and qualified to practice such profession in a state or country to which the board grants registration or licensure by comity in accordance with the provisions of section 326.10, subdivision 1, clause (2); and

(b) shall have filed an application for licensure as an architect or an engineer, shall have paid the fee provided for in section 326.10, and shall have been notified by the board that the applicant meets the requirements for licensure in this state and is entitled to receive a license;

(c) notwithstanding the provisions of paragraph (b) and prior to the notification provided for therein, an applicant who meets the requirements of paragraph (a) shall be permitted to practice in this state provided that such practice is limited solely to solicitation of work within the terms of sections 326.02 to 326.15;

(2) Practice as an architect, an engineer, a land surveyor or a landscape architect 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, a land surveyor or a landscape architect licensed under the provisions of sections 326.02 to 326.15; provided, the non-resident is licensed and qualified to practice his profession in a state or country to which the board grants licensure by comity in accordance with the provisions of section 326.10, subdivision 1, clause (2);

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

**History:** *1Sp1981 c 4 art 1 s 34*

## 326.241 BOARD OF ELECTRICITY.

*[For text of subs 1 and 2, see M.S.1980]*

Subd. 3. **Fees and finances; disposition.** All license fees collected under the provisions of sections 326.241 to 326.248 are to be credited to the general fund. The expenses of administering sections 326.241 to 326.248 shall be paid from appropriations made to the board of electricity.

**History:** *1981 c 357 s 80*

## 326.242 LICENSES.

*[For text of subd 1, see M.S.1980]*

Subd. 2. **Journeyman electrician.** No person shall, for another, wire for, install, or repair electrical wiring, apparatus, or equipment, unless he is licensed by the board as a master electrician or journeyman electrician or licensed electrical contractor.

(1) An applicant for a Class A journeyman electrician's license shall have had at least four years of experience, acceptable to the board, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided however, that the board may by rule or regulation provide for the allowance of one year of experience credit for successful completion of a two-year post high school electrical course approved by the board.

(2) An applicant for a Class B journeyman electrician's license shall have had at least two years of experience, acceptable to the board, in wiring for, installing,

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and repairing electrical wiring, apparatus, or equipment; provided, however, that the board may by rule provide for the allowance of one year of experience credit for successful completion of a two-year post high school electrical course approved by the board. No Class B journeyman's license shall be valid except in regard to single phase systems, not over 200 amperes in capacity, on farmsteads or in single family dwellings located in towns or municipalities with fewer than 2500 inhabitants.

*[For text of subs 3 to 6, see M.S.1980]*

**Subd. 7. Examination.** In addition to the requirements imposed herein and except as herein otherwise provided, as a precondition to issuance of an electrician's license, each applicant must pass a written or oral examination given by the board to insure the competence of each applicant for license. An oral examination shall be administered only to an applicant who furnishes a written statement from a certified teacher or other professional, trained in the area of reading disabilities stating that the applicant has a specific reading disability which would prevent the applicant from performing satisfactorily on a written test. The oral examination shall be structured so that an applicant who passes the examination will not impair the safety of himself or others while acting as an electrician. No person failing an examination may retake it for six months thereafter, but within such six months he may take an examination for a lesser grade of license. Any licensee failing to renew his license for two years or more after its expiration shall be required to retake the examination before he is issued a new license.

An applicant for journeyman's or special electrician's license who shall furnish evidence satisfactory to the board that he has the requisite experience, upon written application, payment of the examination fee and fulfillment of all other requirements stated herein, may work as a journeyman or special electrician until the examination next following and the announcement of the results of such latter examination by the board.

*[For text of subs 8 to 12, see M.S.1980]*

**History:** 1981 c 63 s 1; 1981 c 195 s 1

## **326.244 INSPECTION.**

*[For text of subd 1, see M.S.1980]*

**Subd. 2. Procedure.** (a) At or before commencement of any installation required to be inspected by the board, the electrical contractor, installer, special electrician, or owner making the installation shall submit to the board a request for inspection, in a form prescribed by the board, together with the fees required for the installation.

(b) The fees required are a handling fee and an inspection fee. The handling fee shall be set by the board in an amount sufficient to pay the cost of printing and handling the form requesting an inspection. The inspection fee shall be set by the board in an amount sufficient to pay the actual costs of the inspection and the board's costs in administering the inspection. All fees shall be set pursuant to the procedure of sections 15.041 to 15.052.

(c) All handling fees shall be deposited in the general fund. All inspection fees collected pursuant to this section shall be deposited by the board in a special revenue bookkeeping account of the treasury and are appropriated to the board for the purpose of compensating contract inspectors for inspections performed, for transfer to the general fund of the portion of the fee representing inspection administration costs, and for making refunds.

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(d) If the inspector finds that the installation is not in compliance with accepted standards of construction for safety to life and property as required by section 326.243, the inspector shall by written order condemn the installation or noncomplying portion thereof, or order service to the installation disconnected, and shall send a copy of the order to the board. If the installation or the noncomplying part will seriously and proximately endanger human life and property, the order of the inspector, when approved by the inspector's superior, shall require immediate condemnation or disconnection. In all other cases, the order of the inspector shall permit a reasonable opportunity for the installation to be brought into compliance with accepted standards of construction for safety to life and property prior to the effective time established for condemnation or disconnection.

(e) Copies of each condemnation or disconnection order shall be served personally or by mail upon the property owner, and the electrical contractor, installer, or special electrician making the installation, and other persons as the board by rule or regulation may direct. An aggrieved party may appeal any condemnation or disconnection order by filing with the board a notice of appeal within ten days after (1) service upon the aggrieved party of the condemnation or disconnection order, if this service is required, or (2) filing of the order with the board, whichever is later. The appeal shall proceed and the order of the inspector shall have the effect the order, by its terms, and the rules of the board provides. The board shall adopt rules providing procedures for the conduct of appeals, including provisions for the stay of enforcement of the order of the inspector pending such appeal when justified by the circumstances.

*[For text of subds 3 to 5, see M.S.1980]*

**History:** 1981 c 357 s 81

## **326.48 STEAMFITTERS MUST BE LICENSED.**

Subdivision 1. 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 department of labor and industry. No license shall be required for minor repairs on existing installations, provided the repairs shall be made in compliance with the prescribed minimum standards of the department of labor and industry. 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 the person, firm, or corporation.

The department of labor and industry shall prescribe rules, not inconsistent herewith, for the examination and licensing of steamfitting.

An employee performing the duties of inspector for the department of labor and industry in regulating steamfitting shall not receive time credit for the inspection duties when making an application for a license required by this section.

*[For text of subds 2 to 5, see M.S.1980]*

**History:** 1981 c 72 s 1

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## **326.50 APPLICATION; FEES.**

Application for a steamfitter's license shall be made to the department of labor and industry, with fees. Unless entitled to a renewal, the applicant shall be licensed only after passing a satisfactory examination by the examiners showing fitness. Fees for journeymen shall be \$25 for examination and \$15 for renewal, and for master steamfitters \$75 for examination and \$60 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 \$5.

**History:** 1981 c 72 s 2