

## CHAPTER 326

### EMPLOYMENTS LICENSED BY STATE

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**326.01 DEFINITIONS.**

*[For text of subds 1 to 20, see M.S.1988]*

Subd. 21. [Repealed, 1989 c 209 art 1 s 33]

**326.03 LICENSE REQUIRED.**

*[For text of subd 1, see M.S.1988]*

Subd. 2. Nothing contained in sections 326.02 to 326.15 shall prevent persons from advertising and performing services such as consultation, investigation, or evaluation in connection with, or from making plans and specifications for, or from supervising, the erection, enlargement, or alteration of any of the following buildings:

- (a) Dwellings for single families, and outbuildings in connection therewith, such as barns and private garages;
- (b) Two family dwellings;
- (c) Any farm building or accessory thereto;
- (d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters; or
- (e) Any public work or public improvement done by a public body in this state where the cost of the work or improvement does not exceed \$100,000.

*[For text of subds 3 to 5, see M.S.1988]*

**History:** 1989 c 329 art 5 s 15

**326.20 RENEWAL.**

*[For text of subd 1, see M.S.1988]*

Subd. 2. **Licensure of partnerships and corporations.** Every partnership or corporation in which one or more certified public accountants or licensed public accountants of this state is a partner or shareholder, if it is engaged, or intends to be engaged, in public practice within this state at any time shall be licensed by the state board of accountancy for that period. Upon application made upon the affidavit of a general partner of the partnership or secretary of the corporation who is a certified public accountant or a licensed public accountant of this state in good standing, the board shall issue a license which shall be good for a period prescribed by the board, unless the license shall sooner be revoked. Interim licenses shall be issued to partnerships or corporations which have satisfied the provisions of this subdivision. The application shall confer upon the board the consent of the partnership or corporation, and of the general partner or secretary making the application, to the board's jurisdiction over the acts of the partnership and its partners or agents or of the corporation and its shareholders or agents within the state.

No partnership or corporation shall style itself as a firm of certified public accountants unless (a) all partners or shareholders resident in this state are certified public accountants of this state, (b) all managers in charge of offices maintained in this state

are certified public accountants of this state, (c) all partners or shareholders, wherever situated, are certified public accountants of one of the states or territories or of the District of Columbia and (d) the partnership or corporation is duly licensed under this section.

No partnership or corporation shall style itself as a firm of licensed public accountants unless (a) all partners or shareholders resident in this state are licensed public accountants or certified public accountants of this state, (b) all managers in charge of offices maintained in this state are licensed public accountants or certified public accountants of this state, (c) all partners or shareholders, wherever situated, are licensed public accountants of this state or certified public accountants of one of the states or territories or the District of Columbia and (d) the partnership or corporation is duly licensed under this section.

Any cooperative auditing organization organized under chapter 308A (a) which for a minimum of one year prior to July 1, 1979, has been rendering auditing, accounting of business analysis services to its members only, and (b) whose managers in charge of offices maintained in this state are certified public accountants or licensed public accountants of this state, shall be deemed to be qualified for a cooperative auditing service license and may style itself as a licensed cooperative auditing service.

*[For text of subd 3, see M.S.1988]*

**Subd. 4. Tax clearance certificate.** (a) Notwithstanding subdivisions 1 and 2, the board may not issue or renew a license under sections 326.165 to 326.231 if the commissioner of revenue notifies the board and the licensee or applicant for a license that the licensee or applicant owes the state delinquent taxes in the amount of \$500 or more. The board may issue or renew the license only if (1) the commissioner of revenue issues a tax clearance certificate and (2) the commissioner of revenue or the licensee or applicant forwards a copy of the clearance to the board. The commissioner of revenue may issue a clearance certificate only if the licensee or applicant does not owe the state any uncontested delinquent taxes.

(b) For purposes of this subdivision, the following terms have the meanings given.

(1) "Taxes" are all taxes payable to the commissioner of revenue, including penalties and interest due on those taxes.

(2) "Delinquent taxes" do not include a tax liability if (i) an administrative or court action that contests the amount or validity of the liability has been filed or served, (ii) the appeal period to contest the tax liability has not expired, or (iii) the licensee or applicant has entered into a payment agreement to pay the liability and is current with the payments.

(c) When a licensee or applicant is required to obtain a clearance certificate under this subdivision, a contested case hearing must be held if the licensee or applicant requests a hearing in writing to the commissioner of revenue within 30 days of the date of the notice provided in paragraph (a). The hearing must be held within 45 days of the date the commissioner of revenue refers the case to the office of administrative hearings. Notwithstanding any law to the contrary, the licensee or applicant must be served with 20 days' notice in writing specifying the time and place of the hearing and the allegations against the licensee or applicant. The notice may be served personally or by mail.

(d) The board shall require all licensees or applicants to provide their social security number and Minnesota business identification number on all license applications. Upon request of the commissioner of revenue, the board must provide to the commissioner of revenue a list of all licensees and applicants, including the name and address, social security number, and business identification number. The commissioner of revenue may request a list of the licensees and applicants no more than once each calendar year.

**History:** 1989 c 184 art 2 s 28; 1989 c 356 s 17

**326.2461 UNIFORM ELECTRICAL VIOLATION CITATION.**

Subdivision 1. **Citation authorized.** The board of electricity may issue a citation for violations of sections 326.241 to 326.248, rules adopted under those sections, and ordinances of political subdivisions. The citation must be in a form as provided by subdivision 2.

Subd. 2. **Form of citation.** The board of electricity shall pursuant to chapter 14 prescribe the detailed form of an electrical violation citation and shall revise the citation as the board considers necessary and proper to keep the citation in conformity with the board's rules.

Subd. 3. **Political subdivision may alter ticket.** A political subdivision that has made provision for inspection of electrical installations within its jurisdiction under section 326.244, subdivision 4, may use or alter by deletion or addition the electrical violation citation adopted by the board of electricity under subdivision 2.

**History:** 1989 c 126 s 1

**326.32 DEFINITIONS.**

*[For text of subs 1 to 10b, see M.S.1988]*

Subd. 10c. A "proprietary employer" means an individual, partnership, or corporation that is not engaged in the business of providing protective agents but employs individuals to serve as security guards solely on the employer's property and its curtilage.

*[For text of subs 11 and 12, see M.S.1988]*

Subd. 13. (a) "Security guard" means a person who wears or carries any insignia that identifies the person to the public as security, who is paid a fee, wage, or salary to do one or more of the following:

- (1) prevent or detect intrusion, unauthorized entry or activity, vandalism, or trespass on private property;
- (2) prevent or detect theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;
- (3) control, regulate, or direct the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;
- (4) protect individuals from bodily harm; or
- (5) enforce policies and rules of the security guard's employer related to crime reduction to the extent that the enforcement falls within the scope of the security guard's duties.

(b) The term "security guard" does not include:

- (1) an auditor, accountant, or accounting clerk performing audits or accounting functions;
- (2) an employee of a firm licensed under section 326.3381 whose duties are primarily administrative or clerical in nature;
- (3) a person employed by a proprietary company to conduct plain-clothes surveillance or investigation;
- (4) a person temporarily employed under statute or ordinance by political subdivisions to provide protective services at social functions;
- (5) an employee of an air or rail carrier;
- (6) a customer service representative or sales clerk employed in a retail establishment; or
- (7) a person employed to perform primarily maintenance or custodial functions.

**History:** 1989 c 171 s 1, 2

**NOTE:** Subdivisions 10c and 13, as added by Laws 1989, chapter 171, sections 1 and 2, do not apply to persons hired before May 20, 1989. See Laws 1989, chapter 171, section 9.

**326.336 EMPLOYEES OF LICENSE HOLDERS.**

Subdivision 1. A license holder may employ, in connection with the business of private detective or protective agent, as many unlicensed persons as may be necessary; provided that every license holder is at all times accountable for the good conduct of every person employed. When a license holder hires a person to perform services as a private detective or protective agent, the employer shall submit to the bureau of criminal apprehension a full set of fingerprints of each employee and the written consent of the employee to enable the bureau to determine whether that person has a criminal record. The employee is a conditional employee until the employer receives a report from the bureau that, based on a check of the criminal records maintained by the bureau, the prospective employee has not been convicted in Minnesota of a felony or any offense listed in section 326.3381, subdivision 3, other than a misdemeanor or gross misdemeanor assault. During the period of conditional employment, the person may not serve as a private detective or protective agent, but may be trained by the employer. The bureau shall immediately request the Federal Bureau of Investigation to conduct a check of each conditional employee's criminal record, and the bureau of criminal apprehension shall immediately forward the results to the employer when they are received. If the bureau report or Federal Bureau of Investigation report indicates that the employee was convicted of a disqualifying offense, the employer shall immediately dismiss the employee.

*[For text of subds 2 to 4, see M.S.1988]*

**History: 1989 c 171 s 3**

**NOTE:** Subdivision 1, as amended by Laws 1989, chapter 171, section 3, does not apply to persons hired before May 20, 1989. See Laws 1989, chapter 171, section 9.

**326.3381 LICENSES.**

*[For text of subd 1, see M.S.1988]*

Subd. 1a. **Proprietary employers.** A proprietary employer is not required to obtain a license, but must comply with section 326.336, subdivision 1, with respect to the hiring of security guards.

*[For text of subd 2, see M.S.1988]*

Subd. 3. **Disqualification.** No person is qualified to hold a license who has:

(1) been convicted of (i) a felony by the courts of this or any other state or of the United States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; possession, production, sale, or distribution of narcotics unlawfully; or (iii) in any other country of acts which, if done in Minnesota, would be a felony or would be any of the other offenses provided in this clause and for which a full pardon or similar relief has not been granted;

(2) made any false statement in an application for a license or any document required to be submitted to the board; or

(3) failed to demonstrate to the board good character, honesty, and integrity.

*[For text of subds 4 and 5, see M.S.1988]*

**History: 1989 c 171 s 4,5**

**NOTE:** Subdivision 1a, as added by Laws 1989, chapter 171, section 4, does not apply to persons hired before May 20, 1989. See Laws 1989, chapter 171, section 9.

**326.3384 PROHIBITED ACTS.**

*[For text of subd 1, see M.S.1988]*

Subd. 1a. **Labor disputes.** No license holder, in the course of providing protective agent services, may provide armed protective personnel to labor disputes or strike locations. This subdivision does not apply to the use of armed security personnel services utilized in the usual course of business for the protection of persons, property, and payroll.

Subd. 2. **Penalty.** A license holder violating subdivision 1 or 1a is guilty of a gross misdemeanor.

**History:** 1989 c 171 s 6,7

### 326.461 DEFINITIONS.

*[For text of subd 1, see M.S.1988]*

Subd. 2. **High pressure piping.** "High pressure piping" means all high pressure piping used in the installation of hot water or steam heating boilers, any systems of piping hot water or other medium used for heating that exceed 30 p.s.i. gauge and 250 degrees Fahrenheit, or any system of high pressure steam or ammonia piping, but shall not include any high pressure piping under the direct jurisdiction of the United States.

*[For text of subd 3, see M.S.1988]*

**History:** 1989 c 22 s 1

### 326.78 DUTIES OF THE COMMISSIONER.

*[For text of subd 1, see M.S.1988]*

Subd. 2. **Issuance of licenses and certificates.** The commissioner may issue licenses to employers who meet the criteria in sections 326.70 to 326.82 and the commissioner's rules. Licenses and certificates shall be valid for at least 12 months, except that the initial certificate will be issued to expire one year after the completion date on the approved training course diploma.

*[For text of subds 3 to 8, see M.S.1988]*

**History:** 1989 c 282 art 2 s 183