

CHAPTER 326

EMPLOYMENTS LICENSED BY STATE

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326.105 FEES.

The fee for licensure or renewal of licensure as an architect, professional engineer, land surveyor, landscape architect, or geoscience professional is \$104 per biennium. The fee for certification as a certified interior designer or for renewal of the certificate is \$104 per biennium. The fee for an architect applying for original certification as a certified interior designer is \$50 per biennium. The initial license or certification fee for all professions is \$104. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

The fee for monitoring licensing examinations for applicants is \$25, payable by the applicant.

History: 1999 c 213 s 1; 1999 c 223 art 2 s 59

326.106 DEFINITIONS.

Subdivision 1. **Scope.** The terms used in section 326.107 have the meanings given them in this section.

Subd. 2. **Biennial renewal.** "Biennial renewal" means a period of time consisting of two consecutive 12-month periods ending on June 30 of each even-numbered year.

Subd. 3. **Dual license or certificate holder.** "Dual license or certificate holder" means a person who is licensed or certified in two professions regulated by the board.

Subd. 4. **Professional development hours.** "Professional development hours" means contact hours consisting of not less than 50 minutes each of instruction or presentation meeting the requirements of section 326.107.

History: 1999 c 213 s 2

326.107 CONTINUING EDUCATION.

Subdivision 1. **Requirements.** (a) Architects, professional engineers, land surveyors, landscape architects, geoscientists, and interior designers licensed or certified by this board must obtain the number of professional development hours described in paragraphs (b) to (d) during each two-year period of licensure or certification identified in section 326.105. This requirement must be satisfied during the two-year period prior to biennial renewal except for a carryover permitted from the previous renewal period, which must not exceed 50 percent of the biennial requirement of professional development hours.

(b) Licensed professional engineers must earn a minimum of 24 professional development hours per biennial renewal except for the carryover permitted.

(c) Licensed architects, land surveyors, landscape architects, geoscientists, and certified interior designers must earn a minimum of 24 professional development hours per biennial renewal except for the carryover permitted.

(d) Dual license or certificate holders who have obtained a license or certificate for two professions must earn professional development hours required by the license or certificate requiring the greatest number of professional development hours and must obtain in each profession a minimum of one-third of the total professional development hours required. The remaining one-third requirement may be obtained in either profession at the sole discretion of the licensee or certificate holder.

Subd. 2. **Programs and activities.** Continuing education must consist of learning experiences which enhance and expand the skills, knowledge, and abilities of practicing professionals to remain current and render competent professional services to the public. Practitioners may pursue technical, nontechnical, regulatory, ethical, and business practice needs for a well-rounded education provided the education directly benefits the health, safety, or welfare of the public. Continuing education activities which satisfy the professional development requirement include, but are not limited to, the following:

- (1) completing or auditing college-sponsored courses;
- (2) completing self-study college or non-college-sponsored courses, presented by correspondence, Internet, television, video, or audio, ending with examination or other verification processes;
- (3) participation in seminars, tutorials, televised or videotaped courses, or short courses;
- (4) attending self-sponsored and prepared in-house educational programs;
- (5) completing a study tour with a structured program resulting in a written or visual presentation by the licensee or certificate holder;
- (6) presenting or instructing qualifying courses or seminars. Professional development hours may be earned for preparation time for the initial presentation;
- (7) authoring published papers, articles, or books. Professional development hours earned may equal preparation time spent, may be claimed only following publication, and shall be given for authorship or presentation, but not for both;
- (8) participating in professional examination grading or writing. A maximum of five professional development hours per biennium may be applied from this source;
- (9) providing professional service to the public which draws upon the licensee's or certificate holder's professional expertise on boards, commissions, and committees such as planning commissions, building code advisory boards, urban renewal boards, or non-work-related volunteer service. A maximum of ten professional development hours per biennium may be applied from this source; and

- (10) patents, after they are granted, for a credit of ten professional development hours.

Subd. 3. **Criteria.** (a) Continuing education courses and activities must meet the criteria in paragraphs (b) to (f).

(b) There must be a clear purpose and objective for each activity which will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or certification or develop new and relevant skills and knowledge.

(c) The content of each presentation must be well organized and presented in a sequential manner.

(d) There must be evidence of preplanning which must include the opportunity for input by the target group to be served.

(e) The presentation must be made by persons who are well qualified by education or experience.

(f) There must be a provision for documentation of the individual's participation in the activity, including information required for recordkeeping and reporting.

Subd. 4. **Exemptions.** (a) A licensee or certificate holder is exempt from the continuing education requirements for one of the reasons listed in paragraphs (b) to (d).

(b) A new licensee or certificate holder is exempt for the individual's first biennial renewal.

(c) A licensee or certificate holder who has experienced during the biennial renewal a serious illness, injury, or other extenuating circumstances as reviewed and approved by the board is exempt. Supporting documentation must be furnished to the board prior to the end of the biennial renewal period.

(d) A licensee or certificate holder is exempt who, for a period of time exceeding 120 consecutive days, serves honorably on active duty in the military services where such activity restricts participation in a continuing education program.

Subd. 5. **Comity.** Continuing education requirements may be met without completing the entire renewal form if an individual is licensed or certified in another state, province, or

district which is listed by the Minnesota board as having continuing education requirements acceptable to the Minnesota board and the licensee or certificate holder certifies in the appropriate section that all continuing education and licensing or certification requirements for that state, province, or district have been met. The licensee or certificate holder must still maintain complete records as described in subdivision 7.

Subd. 6. Forms. A renewal application must include a completed continuing education form as specified by the board outlining professional development hours claimed. The licensee or certificate holder must supply sufficient detail on the form to permit audit verification, must sign the continuing education form certifying completion of the requirements, and must submit the form with the renewal application and fee in section 326.105.

Subd. 7. Reports and records. The licensee or certificate holder shall maintain a file in which records of courses and activities are kept, including dates, subjects, duration of programs, sponsoring organization, professional development hours earned, registration receipts where appropriate, and other pertinent documentation, for a period of two years after submission to the board. This information may be required to be produced by licensees or certificate holders. The board may require a licensee or certificate holder to produce this information in connection with verification of a renewal application, a random audit conducted by the board, or upon receipt of a complaint alleging noncompliance on the part of a licensee or certificate holder.

Subd. 8. Noncompliance. A licensee or certificate holder who does not satisfy the continuing education requirements for licensure or certification renewal shall be placed on probationary status and shall be promptly notified of that fact. The licensee or certificate holder has 180 days after notification to substantiate the original claim or to earn other professional development hours to meet the minimum requirement. If the deficiencies are not made up within the specified period of time, the individual's licensure or certification shall be suspended. Professional development hours earned within the probation period and applied to current renewal may not be applied to the requirements for the following biennial renewal.

An individual who applies for license or certification renewal after the biennial renewal period has lapsed and has not satisfied the continuing education requirements shall be notified of that fact. The licensee or certificate holder shall have 180 days after notification to substantiate the original claim or to earn other professional development hours to meet the minimum requirement. If the deficiencies are not made up within the specified period of time, the individual's licensure or certification shall be suspended.

Subd. 9. Reinstatement. A person who wishes to reinstate a lapsed license or certificate of one year or more must satisfy one-half the biennium requirement multiplied by the number of years of lapsed status. The minimum continuing education requirement is one-half the biennium requirement. The maximum continuing education requirement is equal to the biennium requirement. The requirement shall be satisfied with continuing education acquired within the period of the lapse, not to exceed four years, prior to reinstatement.

History: 1999 c 213 s 3

326.111 ISSUANCE, DENIAL, REVOCATION, AND SUSPENSION OF LICENSES AND CERTIFICATES; DISCIPLINE.

[For text of subs 1 to 5, see M.S.1998]

Subd. 6. Violations; penalties; costs of proceeding. (a) The board may impose a civil penalty not to exceed \$10,000 per violation upon a person who commits an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or violates a statute, rule, or order that the board has issued or is empowered to enforce.

(b) The board may, in addition, impose a fee to reimburse the board for all or part of the cost of the proceedings resulting in disciplinary action authorized by this section, the imposition of civil penalties, or the issuance of a cease and desist order. The fee may be imposed when the board shows that the position of the person who commits an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or vio-

lates a statute, rule, or order that the board has issued or is empowered to enforce is not substantially justified, unless special circumstances make an award unjust, notwithstanding the provisions of Minnesota Rules, part 1400.8401. The costs include, but are not limited to, the amount paid by the board for services from the office of administrative hearings, attorney fees, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and expense incurred by board members and staff.

[For text of subd. 7, see M.S.1998]

History: 1999 c 213 s 4

326.40 LICENSING, BOND AND INSURANCE.

[For text of subd 1, see M.S.1998]

Subd. 2. **Bond; insurance.** Any person contracting to do plumbing work must give bond to the state in the amount of \$25,000 for all work entered into within the state. The bond shall be for the benefit of persons injured or suffering financial loss by reason of failure to comply with the requirements of the Plumbing Code. A bond given to the state shall be filed with the secretary of state and shall be in lieu of all other bonds to any political subdivision required for plumbing work. The bond shall be written by a corporate surety licensed to do business in the state.

In addition, each applicant for a master plumber license or renewal thereof, may provide evidence of public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed to do business in the state of Minnesota and each licensed master plumber shall maintain on file with the state commissioner of health a certificate evidencing the insurance providing that the insurance shall not be canceled without the insurer first giving 15 days written notice to the commissioner. The term of the insurance shall be concurrent with the term of the license. The certificate shall be in lieu of all other certificates required by any political subdivision for licensing purposes.

[For text of subd 3, see M.S.1998]

Subd. 4. **Alternative compliance.** Compliance with the local bond requirements of a locale within which work is to be performed shall be deemed to satisfy the bond and insurance requirements of subdivision 2, provided the local ordinance requires at least a \$25,000 bond.

Subd. 5. **Fee.** The state commissioner of health may charge each person giving bond an annual bond filing fee commensurate with the cost of administering the bond and insurance requirements of subdivision 2.

History: 1999 c 245 art 2 s 39-41

326.50 APPLICATION; FEES.

Application for an individual contracting pipefitter competency or an individual journeyman pipefitter competency license shall be made to the department of labor and industry, with fees. The applicant shall be licensed only after passing an examination by the department of labor and industry.

History: 1999 c 250 art 3 s 27

NOTE: The amendment to this section by Laws 1999, chapter 250, article 3, section 27, is effective July 1, 2001. Laws 1999, chapter 250, article 3, section 29.

326.83 DEFINITIONS.

[For text of subds 1 to 17, see M.S.1998]

Subd. 18. **Roofer.** "Roofer" means a person in the business of contracting, or offering to contract with an owner, to complete work on residential real estate in roof coverings, roof

sheathing, roof weatherproofing and insulation, and repair of roof systems, but not construction of new roof systems.

[For text of subs 19 to 21, see M.S.1998]

History: 1999 c 137 s 6

326.86 FEES.

Subdivision 1. **Licensing fee.** The licensing fee for persons licensed pursuant to sections 326.83 to 326.991 is \$100 per year.

[For text of subd 2, see M.S.1998]

History: 1999 c 223 art 2 s 46; 1999 c 250 art 3 s 28

326.89 APPLICATION AND EXAMINATION.

[For text of subs 1 and 2, see M.S.1998]

Subd. 3. **Examination.** (a) Each qualifying person must satisfactorily complete a written examination for the type of license requested. The commissioner may establish the examination qualifications, including related education experience and education, the examination procedure, and the examination for each licensing group. The examination must include at a minimum the following areas:

(1) appropriate knowledge of technical terms commonly used and the knowledge of reference materials and code books to be used for technical information; and

(2) understanding of the general principles of business management and other pertinent state laws.

(b) Each examination must be designed for the specified type of license requested. The council shall advise the commissioner on the grading, monitoring, and updating of examinations.

(c) A person's passing examination results expire two years from the examination date. A person who passes the examination but does not choose to apply to act as a qualifying person for a licensee within two years from the examination date, must, upon application provide:

(1) passing examination results within two years from the date of application; or

(2) proof that the person has fulfilled the continuing education requirements in section 326.87 in the manner required for a qualifying person of a licensee for each license period after the expiration of the examination results.

Subd. 3a. [Repealed, 1999 c 137 s 11]

[For text of subs 4 to 6, see M.S.1998]

History: 1999 c 137 s 7

326.92 PENALTIES.

[For text of subd 1, see M.S.1998]

Subd. 1a. **Gross misdemeanor.** A person required to be licensed under sections 326.84 to 326.991 who violates an order under subdivision 3 is guilty of a gross misdemeanor.

[For text of subs 2 and 3, see M.S.1998]

History: 1999 c 137 s 8

326.94 BOND; INSURANCE.

[For text of subd 1, see M.S.1998]

Subd. 2. **Insurance.** Licensees must have public liability insurance with limits of at least \$100,000 per occurrence, which must include at least \$10,000 property damage coverage. The insurance must be written by an insurer licensed to do business in this state. The commissioner may increase the minimum amount of insurance required for any licensee or class of licensees if the commissioner considers it to be in the public interest and necessary to protect the interests of Minnesota consumers.

History: 1999 c 137 s 9