

CHAPTER 326

EMPLOYMENTS LICENSED BY STATE

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326.242 LICENSES.

[For text of subs 1 to 3c, see M.S.2004]

Subd. 3d. **Power limited technician.** (a) Except as otherwise provided by law, no person shall install, alter, repair, plan, lay out, or supervise the installing, altering, or repairing of electrical wiring, apparatus, or equipment for technology circuits or systems unless:

- (1) the person is licensed by the board as a power limited technician; and
- (2) the electrical work is:

(i) for a licensed contractor and the person is an employee, partner, or officer of, or is the licensed contractor; or

(ii) performed under the supervision of a master electrician or power limited technician also employed by the person's employer on technology circuits, systems, apparatus, equipment, or facilities owned or leased by the employer that are located within the limits of property owned or leased, operated, and maintained by the employer.

(b) An applicant for a power limited technician's license shall (1) be a graduate of a four-year electrical course in an accredited college or university; or (2) have had at least 36 months' experience, acceptable to the board, in planning for, laying out, supervising, and installing wiring, apparatus, or equipment for power limited systems, provided however, that the board may by rule provide for the allowance of up to 12 months (2,000 hours) of experience credit for successful completion of a two-year post high school electrical course or other technical training approved by the board.

(c) The board may initially set experience requirements without rulemaking, but must adopt rules before July 1, 2004.

(d) Licensees must attain eight hours of continuing education acceptable to the board every renewal period.

(e) A person who has submitted an application by June 30, 2003, to take the alarm and communications examination administered by the board, and who has achieved a minimal score of 70 percent on the examination by September 30, 2003, may obtain a power limited technician license without further examination by submitting an application and a license fee of \$30.

(f) A company holding an alarm and communication license as of June 30, 2003, may designate one person who may obtain a power limited technician license without passing an examination administered by the board by submitting an application and license fee of \$30.

(g) A person who has submitted an application by September 30, 2005, to take the power limited technician examination administered by the board is not required to meet the qualifications set forth in paragraph (b).

[For text of subs 4 to 12, see M.S.2004]

History: 2005 c 62 s 1

326.3382 APPLICATION FOR LICENSE.

[For text of subs 1 to 4, see M.S.2004]

Subd. 5. **Special protective agent classification.** The board shall establish a special protective agent license classification that provides that a person described in section

326.338, subdivision 4, clause (4), who is otherwise qualified under this section need not meet the requirements of subdivision 2, paragraph (c).

History: 2005 c 136 art 8 s 11

326.3384 PROHIBITED ACTS.

Subdivision 1. **Prohibition.** No license holder or employee of a license holder shall, in a manner that implies that the person is an employee or agent of a governmental agency, display on a badge, identification card, emblem, vehicle, uniform, stationery, or in advertising for private detective or protective agent services:

(1) the words "public safety," "police," "constable," "highway patrol," "state patrol," "sheriff," "trooper," or "law enforcement"; or

(2) the name of a municipality, county, state, or of the United States, or any governmental subdivision thereof.

[For text of subs 1a to 2, see M.S.2004]

History: 2005 c 136 art 11 s 16

326.42 APPLICATIONS, FEES.

[For text of subd 1, see M.S.2004]

Subd. 2. **Fees.** Plumbing system plans and specifications that are submitted to the commissioner for review shall be accompanied by the appropriate plan examination fees. If the commissioner determines, upon review of the plans, that inadequate fees were paid, the necessary additional fees shall be paid prior to plan approval. The commissioner shall charge the following fees for plan reviews and audits of plumbing installations for public, commercial, and industrial buildings:

(1) systems with both water distribution and drain, waste, and vent systems and having:

(i) 25 or fewer drainage fixture units, \$150;

(ii) 26 to 50 drainage fixture units, \$250;

(iii) 51 to 150 drainage fixture units, \$350;

(iv) 151 to 249 drainage fixture units, \$500;

(v) 250 or more drainage fixture units, \$3 per drainage fixture unit to a maximum of \$4,000; and

(vi) interceptors, separators, or catch basins, \$70 per interceptor, separator, or catch basin design;

(2) building sewer service only, \$150;

(3) building water service only, \$150;

(4) building water distribution system only, no drainage system, \$5 per supply fixture unit or \$150, whichever is greater;

(5) storm drainage system, a minimum fee of \$150 or:

(i) \$50 per drain opening, up to a maximum of \$500; and

(ii) \$70 per interceptor, separator, or catch basin design;

(6) manufactured home park or campground, one to 25 sites, \$300;

(7) manufactured home park or campground, 26 to 50 sites, \$350;

(8) manufactured home park or campground, 51 to 125 sites, \$400;

(9) manufactured home park or campground, more than 125 sites, \$500;

(10) accelerated review, double the regular fee, one-half to be refunded if no response from the commissioner within 15 business days; and

(11) revision to previously reviewed or incomplete plans:

(i) review of plans for which commissioner has issued two or more requests for additional information, per review, \$100 or ten percent of the original fee, whichever is greater;

(ii) proposer-requested revision with no increase in project scope, \$50 or ten percent of original fee, whichever is greater; and

(iii) proposer-requested revision with an increase in project scope, \$50 plus the difference between the original project fee and the revised project fee.

History: *1Sp2005 c 4 art 6 s 50*

326.975 CONTRACTOR'S RECOVERY FUND.

Subdivision 1. **Generally.** (a) In addition to any other fees, each applicant for a license under sections 326.83 to 326.98 shall pay a fee to the contractor's recovery fund. The contractor's recovery fund is created in the state treasury and must be administered by the commissioner in the manner and subject to all the requirements and limitations provided by section 82.43 with the following exceptions:

(1) each licensee who renews a license shall pay in addition to the appropriate renewal fee an additional fee which shall be credited to the contractor's recovery fund. The amount of the fee shall be based on the licensee's gross annual receipts for the licensee's most recent fiscal year preceding the renewal, on the following scale:

Fee	Gross Receipts
\$100	under \$1,000,000
\$150	\$1,000,000 to \$5,000,000
\$200	over \$5,000,000

Any person who receives a new license shall pay a fee based on the same scale;

(2) the purpose of this fund is:

(i) to compensate any aggrieved owner or lessee of residential property located within this state who obtains a final judgment in any court of competent jurisdiction against a licensee licensed under section 326.84, on grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance arising directly out of any transaction when the judgment debtor was licensed and performed any of the activities enumerated under section 326.83, subdivision 19, on the owner's residential property or on residential property rented by the lessee, or on new residential construction which was never occupied prior to purchase by the owner, or which was occupied by the licensee for less than one year prior to purchase by the owner, and which cause of action arose on or after April 1, 1994; and

(ii) to reimburse the Department of Commerce for all legal and administrative expenses, including staffing costs, incurred in administering the fund;

(3) nothing may obligate the fund for more than \$50,000 per claimant, nor more than \$75,000 per licensee; and

(4) nothing may obligate the fund for claims based on a cause of action that arose before the licensee paid the recovery fund fee set in clause (1), or as provided in section 326.945, subdivision 3.

(b) Should the commissioner pay from the contractor's recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, the license shall be automatically suspended upon the effective date of an order by the court authorizing payment from the fund. No licensee shall be granted reinstatement until the licensee has repaid in full, plus interest at the rate of 12 percent a year, twice the amount paid from the fund on the licensee's account, and has obtained a surety bond issued by an insurer authorized to transact business in this state in the amount of at least \$40,000.

[For text of subs 1a to 3, see M.S.2004]

History: *1Sp2005 c 1 art 4 s 94*

[For text of subd 2, see M.S.2004]

326.991 EXCEPTION.

Subdivision 1. MS 2004 [Expired]