

115.56 MANDATORY LICENSING PROGRAM.

Subdivision 1. **Rules.** (a) Pursuant to section 115.03, subdivision 1, by January 1, 1996, the agency shall adopt rules containing standards of licensure applicable to all individual sewage treatment system professionals.

The rules must include but are not limited to:

- (1) training requirements that include both classroom and fieldwork components;
- (2) examination content requirements and testing procedures;
- (3) continuing education requirements;
- (4) equivalent experience provisions;
- (5) bonding and insurance requirements;
- (6) schedules for submitting fees; and
- (7) license revocation and suspension and other enforcement requirements.

(b) The agency shall consult with the advisory committee before proposing any rules under this subdivision.

Subd. 2. **License required.** (a) Except as provided in paragraph (b), a person may not design, install, maintain, pump, inspect, or provide service to an individual sewage treatment system without a license issued by the commissioner. Licenses issued under this section allow work on individual sewage treatment systems with a flow of 10,000 gallons of water per day or less using prescriptive designs and design guidances provided by the agency.

(b) A license is not required for a person who complies with the applicable requirements if the person is:

- (1) a qualified employee of state or local government who has passed the examination described in paragraph (d) or a similar examination;
- (2) an individual who constructs an individual sewage treatment system on land that is owned or leased by the individual and functions solely as the individual's dwelling or seasonal dwelling;
- (3) a farmer who pumps and disposes of sewage waste from individual sewage treatment systems, holding tanks, and privies on land that is owned or leased by the farmer; or
- (4) an individual who performs labor or services for a person licensed under this section in connection with the design, installation, maintenance, pumping, or inspection of an individual sewage treatment system at the direction and under the personal supervision of a person licensed under this section.

A person constructing an individual sewage treatment system under clause (2) must consult with a site evaluator or designer before beginning construction. In addition, the system must be inspected before being covered and a compliance report must be provided to the local unit of government after the inspection.

(c) The commissioner, in conjunction with the University of Minnesota Extension Service or another higher education institution, shall ensure adequate training and design guidance exists for individual sewage treatment system professionals.

(d) The commissioner shall conduct examinations to test the knowledge of applicants for licensing and shall issue documentation of licensing.

(e) Licenses may be issued only upon successful completion of the required examination and submission of proof of sufficient experience, proof of general liability insurance, and a corporate surety bond in the amount of at least \$10,000.

(f) Notwithstanding paragraph (e), the examination and proof of experience are not required for an individual sewage treatment system professional who, on the effective date of the rules adopted under subdivision 1, holds a certification attained by examination and experience under a voluntary certification program administered by the agency.

(g) Local units of government may not require additional local licenses for individual sewage treatment system professionals.

(h) A pumper whose annual gross revenue from pumping systems is \$9,000 or less and whose gross revenue from pumping systems during the year ending May 11, 1994, was at least \$1,000 is not subject to training requirements in rules adopted under subdivision 1, except for any training required for initial licensure.

(i) No other professional license is required to design, install, maintain, inspect, or provide service for an individual sewage treatment system with a flow of 10,000 gallons of water per day or less using prescriptive designs and design guidances provided by the agency if the system designer, installer, maintainer, inspector, or service provider is licensed under this subdivision and the local unit of government has not adopted additional requirements.

Subd. 2a. **Temporary license.** The agency may issue, for a fee of \$100, a temporary license for an activity listed in subdivision 1, paragraph (a), to a person who:

(1) has submitted to the agency proof of sufficient experience, as determined by the agency, in the activity for which the license is sought; and

(2) has completed training under a voluntary certification program administered by the agency.

A temporary license issued under this subdivision is effective until August 15, 1996.

Subd. 3. **Enforcement.** (a) The commissioner may deny, suspend, or revoke a license, or use any lesser remedy against an individual sewage treatment system professional, for any of the following reasons:

- (1) failure to meet the requirements for a license;
- (2) incompetence, negligence, or inappropriate conduct in the performance of the duties of an individual sewage treatment system professional;
- (3) failure to comply with applicable requirements; or
- (4) submission of false or misleading information or credentials in order to obtain or renew a license.

(b) Upon receiving a signed written complaint that alleges the existence of a ground for enforcement action against a person under paragraph (a), the commissioner shall initiate an investigation. Revocation, suspension, or other enforcement action may not be taken before written notice is given to the person and an opportunity is provided for a contested case hearing complying with the provisions of chapter 14.

Subd. 4. **License fee.** The fee for a license required under subdivision 2 is \$100 per year. Revenue from the fees must be credited to the environmental fund and is exempt from section 16A.1285.

History: 1994 c 617 s 2; 1995 c 233 art 1 s 6; 1996 c 427 s 2,3; 2003 c 128 art 2 s 4; 2007 c 131 art 1 s 73; 2008 c 357 s 31