CHAPTER 326

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326.01 DEFINITIONS.

Subdivision 1. **Words, terms and phrases.** For the purpose of this chapter, the terms defined in this section have the meanings ascribed to them.

Subd. 2. MS 2006 [Renumbered 326B.31, subd 9]

Subd. 3. MS 2006 [Renumbered 326B.31, subd 8]

Subd. 4. [Repealed, 2007 c 140 art 5 s 33; art 13 s 3]

Subd. 4a. MS 2006 [Renumbered 326B.31, subd 18]

Subd. 4b. MS 2006 [Renumbered 326B.31, subd 19]

Subd. 4c. MS 2006 [Renumbered 326B.31, subd 20]

Subd. 4d. MS 2006 [Renumbered 326B.31, subd 21]

Subd. 4e. MS 2006 [Renumbered 326B.31, subd 22]

Subd. 5. MS 2006 [Renumbered 326B.31, subd 14]

Subd. 6. MS 2006 [Renumbered 326B.31, subd 13]

Subd. 6a. MS 2006 [Renumbered 326B.31, subd 12]

Subd. 6b. MS 2006 [Renumbered 326B.31, subd 7]

Subd. 6c. MS 2006 [Renumbered 326B.31, subd 11]

Subd. 6d. [Repealed, 2003 c 58 s 8]

Subd. 6e. MS 2006 [Renumbered 326B.31, subd 23]

Subd. 6f. MS 2006 [Renumbered 326B.31, subd 17]

Subd. 6g. MS 2006 [Renumbered 326B.31, subd 16]

Subd. 6h. [Repealed, 2007 c 140 art 13 s 3]

Subd. 6i. MS 2006 [Renumbered 326B.31, subd 15]

Subd. 6j. MS 2006 [Renumbered 326B.31, subd 27]

Subd. 6k. MS 2006 [Renumbered 326B.31, subd 25]

Subd. 6l. MS 2006 [Renumbered 326B.31, subd 29]

Subd. 6m. MS 2006 [Renumbered 326B.31, subd 26]

Subd. 7. MS 2006 [Renumbered 326B.42, subd 3]

Subd. 8. MS 2006 [Renumbered 326B.42, subd 4]

Subd. 9. [Repealed, 2007 c 140 art 6 s 16]

Subd. 10. [Repealed, 2007 c 140 art 13 s 3]

Subd. 11. [Repealed, 2007 c 140 art 13 s 3]

Subd. 12. [Repealed, 2007 c 140 art 13 s 3]

Subd. 13. [Repealed, 2007 c 140 art 13 s 3]

Subd. 14. **Person.** The term "person" includes an individual, partnership, association, joint stock company, trust, or corporation.

Subd. 15. **Distributor.** The term "distributor" includes any person who engages, or contracts to engage, in the distribution of motion picture films and is a resident of, or legally authorized to do business in, this state.

Subd. 16. **Exhibitor.** The term "exhibitor" includes any person who engages, or contracts to engage, in the exhibition of motion picture films and is a resident of, or legally authorized to do business in, this state.

Subd. 17. **License.** The term "license" includes the offering, intending or making of a license agreement, contract, or any type of agreement whereby a film, the distribution of which is controlled by one of the parties is to be supplied to and exhibited in a theatre owned, controlled, or operated by the other party.

Subd. 18. **Feature motion picture film.** The term "feature motion picture film" means all motion pictures, whether copyrighted or uncopyrighted, including positive and negative prints and copies or reproductions of such prints, which films contain photoplays or other subjects and are produced for public exhibition. The term shall not include films commonly known as short subjects, newsreels, trailers, serials, reissues, foreign, and western pictures, and road shows.

Subd. 19. **Exhibition season.** The term "exhibition season" means a period of 12 months as may be selected by the producer-distributor, but there shall be no lapse of time between the termination of one season and the beginning of the next.

Subd. 20. [Repealed, 1992 c 464 art 1 s 19]

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

History: *(5872, 5887, 5887-23, 5887-30, 5887-30e) 1907 c 457 s 8; 1913 c 554 s 1; 1933 c 349 s 5; 1937 c 367 s 1,6; 1937 c 370 s 4; 1941 c 460 s 1; 1943 c 474 s 1; 1947 c 253 s 1; 1957 c 907 s 1-3; 1967 c 602 s 10-16; 1979 c 121 s 1; 1985 c 73 s 1-4; 1985 c 248 s 70; 1Sp1985 c 6 s 2; 1986 c 373 s 1,2; 1986 c 402 s 1; 1986 c 444; 1991 c 289 s 1-9; 2002 c 328 s 1-7; 2003 c 58 s 1; 2007 c 135 art 6 s 1; 2007 c 140 art 5 s 1-18,32; art 6 s 2,3; art 13 s 4; 2008 c 337 s 5,6,64*

ARCHITECTS, ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS, GEOSCIENTISTS, INTERIOR DESIGNERS

326.02 LICENSURE OR CERTIFICATION.

Subdivision 1. **Licensure or certification 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, landscape architecture, or professional geoscience, or using the title certified interior designer in this state, either as an individual, a copartner, or as agent of another, shall be licensed or certified 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, landscape architecture, or professional geoscience, or to use the title certified interior designer, 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 the person's name, or to otherwise assume, use or advertise any title or description tending to convey the impression that the person is an architect, professional engineer (hereinafter called engineer), land surveyor, landscape architect, professional geoscientist (hereinafter called geoscientist), or certified interior designer, unless such person is qualified by licensure or certification under sections 326.02 to 326.15. This subdivision does not preclude an individual who retired from one of the professions listed in this subdivision from using the designation architect, professional engineer, land surveyor, landscape architect, professional geoscientist,

or certified interior designer as long as the designation is preceded by the word "retired" and the individual was licensed or certified in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license or certification was not subsequently revoked by the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design.

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 out as being 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.** (a) Any person shall be deemed to be practicing professional engineering within the meaning of sections 326.02 to 326.15 who holds out as being 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.

(b) No person other than one licensed under sections 326.02 to 326.15 as a professional engineer may:

(1) use the term "professional engineer";

(2) use any other abbreviation or term, including the initials "P.E." or "PE" by signature, verbal claim, sign, advertisement, letterhead, card, or similar means that would lead the public to believe that the person was a professional engineer; or

(3) use any means or in any other way make a representation that would lead the public to believe that the person was a professional engineer.

(c) A professional engineering license satisfies any requirements by the state or its political subdivisions to perform any actions authorized under the professional engineering license. A person licensed as a professional engineer under sections 326.02 to 326.15 shall only be required to obtain a license, certification, or other form of approval for a skill or service in addition to a professional engineering license if the state or political subdivision has made an affirmative written determination in statute, rule, or ordinance that such additional license or certification is necessary to safeguard life, health, or property, or promote the public welfare. This section does not preclude the state or a political subdivision from including additional requirements when soliciting public contracts for engineering services. This paragraph does not apply to practice areas where licenses or certifications are required prior to August 1, 2015.

Subd. 3a. **Practice of professional geoscience.** A person is considered to be practicing professional geoscience within the meaning of sections 326.02 to 326.15 who holds out as being able to perform or who does perform any technical professional services, the adequate performance of which requires professional

geoscience education, training, and experience in the application of special knowledge of the mathematical, physical, chemical, biological, and earth sciences to such services or creative work as consultation, investigation, evaluation, planning, mapping, and inspection of geoscientific work and its responsible supervision.

A person is considered to practice or offer to practice professional geoscience, within the meaning and intent of sections 326.02 to 326.15 who practices any of the geoscience disciplines defined by the board; who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents oneself to be a professional geoscientist; through the use of some other title implies that the person is a professional geoscientist; or who presents oneself as able to perform or who does perform any geoscience services or that constitutes the practice of a professional geoscience discipline as defined by the board.

"Geoscience" means the science which includes treatment of the earth and its origin and history; the investigation, measurement or sampling, of the earth's constituent rocks, natural and induced fields of force, minerals, fossils, solids, soils, fluids including surface and underground waters, gases, and other materials; and the study, interpretation, and analysis of the natural agents, forces, and processes which cause changes in the earth.

Nothing in this subdivision shall be construed to prevent a professional engineer, as defined in sections 326.02 to 326.15, from acquiring engineering data involving soil, rock, groundwater, and other earth materials; evaluating physical and chemical properties of soil, rock, groundwater, and other earth materials for engineering; and from utilizing these data for analysis, design, and construction. Nothing in this subdivision shall be construed to permit a professional geoscientist to engage in the practice of professional engineering, architecture, landscape architecture, or land surveying or to use the title "certified interior design" as those terms are defined in this section. Nothing in this subdivision shall be construed to regulate persons who take soil samples for the purpose of providing recommendations on crop production.

Subd. 4. **Practice of land surveying.** Land surveying means the application of the principles of mathematics, physical and applied sciences and law to measuring and locating lines, angles, elevations and natural or artificial features in the air, on the surface of the earth, underground and on the beds of bodies of water for the purpose of:

(1) determining, monumenting, establishing, or reestablishing property boundaries;

(2) determining, monumenting, or reestablishing the position for any public land survey system corner or line;

(3) planning, designing, and platting of land and subdivisions including the topography, alignment and grades of streets; and

(4) preparing and perpetuating maps, record plats, and property descriptions.

Any person who offers to perform, holds out as being able to perform, or does perform land surveying for others shall be practicing land surveying.

Nothing contained in the provisions of sections 326.02 to 326.15, shall prohibit a licensed professional engineer, architect, landscape architect, or professional geoscientist from doing any work included in the practice of engineering, architecture, landscape architecture, and professional geoscience, if the work does not involve the establishment or reestablishment of property corners, property lines, or public land survey system corners or lines.

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 out as being 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:

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

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

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

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

(5) to exclude nursery operators or other small business people from the preparation of landscape plans appropriate to the normal operation of their business;

(6) to authorize a landscape architect to engage in the practice of architecture, engineering, land surveying, or geoscience.

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. 4b. **Certified interior designer.** (a) For the purposes of sections 326.02 to 326.15, "certified interior designer" means a person who is certified under section 326.10, to use the title certified interior designer and who provides services in connection with the design of public interior spaces, including preparation of documents relative to non-load-bearing interior construction, space planning, finish materials, and furnishings.

(b) No person may use the title certified interior designer unless that person has been certified as an interior designer or has been exempted by the board. Registered architects may be certified without additional testing. Persons represent themselves to the public as certified interior designers if they use a title that incorporates the words certified interior designer.

(c) Nothing in this section prohibits the use of the title interior designer or the term interior design by persons not certified by the board.

(d) Nothing in this section restricts persons not certified by the board from providing interior design services and from saying that they provide such services, as long as they do not use the title certified interior designer.

(e) Nothing in this section authorizes certified interior designers to engage in the practice of architecture as defined in subdivision 2 or the practice of engineering as defined in subdivision 3.

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 that person's 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, architect, or certified interior designer, nor to any standardized manufactured product, nor to any construction superintendent supervising the execution of work designed by an architect, landscape architect, engineer, or certified interior designer licensed or certified in accordance with section 326.03, nor to the planning for and supervision of the construction and installation of work by an electrical or elevator contractor or master plumber as defined in and licensed pursuant to chapter 326B, nor to the planning for and supervision of the construction and installation of work by a licensed well contractor as defined and licensed pursuant to chapter 103I, where such work is within the scope of such licensed activity and not within the practice of professional engineering, or architecture, or where the person does not claim to be a certified interior designer as defined in subdivision 2, 3, or 4b.

History: *(5697-1) 1921 c 523 s 1; 1933 c 404 s 1; 1945 c 380 s 1; Ex1967 c 28 s 1; 1971 c 22 s 1-3; 1973 c 245 s 1; 1975 c 329 s 1-3; 1979 c 209 s 1; 1Sp1981 c 4 art 1 s 25-29; 1986 c 444; 1992 c 507 s 3-5; 1995 c 206 s 4-7; 2002 c 239 s 1; 2010 c 280 s 8; 2013 c 85 art 2 s 3; 2014 c 236 s 1,2; 2015 c 18 s 1; 2024 c 110 art 1 s 1*

326.03 LICENSE OR CERTIFICATE REQUIRED.

Subdivision 1. **Plans; documents.** No person, except an architect, engineer, land surveyor, landscape architect, geoscientist, or certified interior designer, licensed or certified as provided for in sections 326.02 to 326.15 shall practice architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or use the title certified interior designer, respectively, in the preparation of plans, specifications, reports, plats or other architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design documents, or in the observation of architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design projects. In preparation of such documents, reasonable care shall be given to compliance with applicable laws, ordinances, and building codes relating to design.

Subd. 2. **Exceptions.** 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:

(1) dwellings for single families, and outbuildings in connection therewith, such as barns and private garages;

(2) two family dwellings;

(3) any farm building or accessory thereto; or

(4) temporary buildings or sheds used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters.

Subd. 3. **Recording.** No plat, map, or drawing of any survey or subdivision of lands required by law to be filed or recorded with the county recorder or registered with the registrar of titles of any county, shall be filed, recorded, or registered therein unless there shall be endorsed thereon a certification by a licensed land surveyor.

Subd. 4. **Exception for persons elected in office.** The provisions hereof shall not apply to any person holding an elective office when in discharging the duties thereof such person is required to do work or perform service of the character of work or service usually done or performed by an architect, engineer, land surveyor, landscape architect, or geoscientist.

Subd. 5. **Insurance companies; rating bureaus.** 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: *(5697-2) 1921 c 523 s 2; 1933 c 404 s 1; 1945 c 380 s 2; Ex1967 c 28 s 2; 1975 c 83 s 1; 1975 c 329 s 4,5; 1976 c 181 s 2; 1976 c 222 s 138; 1978 c 577 s 1,2; 1Sp1981 c 4 art 1 s 30; 1987 c 8 s 1; 1987 c 384 art 1 s 30; 1989 c 329 art 5 s 15; 1990 c 562 art 5 s 11; 1992 c 507 s 6; 1995 c 206 s 8,9; 1998 c 324 s 9*

326.031 SPECIFICATIONS FOR PUBLIC FACILITIES, USE OF BRAND NAMES.

Any engineer, architect, certified interior designer, or other person preparing specifications with respect to a contract for the construction of any facility for the state, or any agency or department thereof, or for any county, city, town, or school district, shall at the time of submitting such specifications to the governing body of the organization requesting the specifications, submit to such body, in writing, a list showing each item in the specifications which has been specified by brand name, unless such specifications allow for the consideration of an equal.

History: *1969 c 635 s 1; 1973 c 123 art 5 s 7; 1992 c 507 s 7*

326.04 BOARD ESTABLISHED.

Subdivision 1. **Board composition.** To carry out the provisions of sections 326.02 to 326.15 there is hereby created a Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design consisting of 21 members, who shall be appointed by the governor. Three members shall be licensed architects, five members shall be licensed engineers, two members shall be licensed landscape architects, two members shall be licensed land surveyors, two members shall be certified interior designers, two members shall be licensed geoscientists, and five members shall be public members. Not more than one member of the board shall be from the same branch of the profession of engineering. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. Members shall be limited to two terms. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

Subd. 2. **Temporary military certificate.** The board shall establish a temporary military certificate in accordance with section 197.4552.

History: *(5697-3) 1921 c 523 s 3; 1949 c 86 s 1; 1973 c 638 s 42; 1975 c 136 s 55; 1975 c 329 s 6; 1976 c 222 s 139; 1976 c 239 s 63; 1979 c 209 s 2; 1991 c 199 art 1 s 50; 1992 c 507 s 8; 1995 c 206 s 10; 1998 c 324 s 1; 2014 c 236 s 3; 2014 c 312 art 4 s 19*

326.05 QUALIFICATIONS OF BOARD MEMBERS.

Each member of the board must be a resident of this state at the time of and throughout the member's appointment. Each member except the public members must have been engaged in the practice of the relevant profession for at least five years and shall have been in responsible charge of professional work requiring

licensure as an architect, engineer, land surveyor, landscape architect, or geoscientist, or certification as an interior designer for at least two years.

History: *(5697-4) 1921 c 523 s 4; 1973 c 638 s 43; 1975 c 329 s 7; 1976 c 222 s 140; 1986 c 444; 1992 c 507 s 9; 1995 c 206 s 11; 1998 c 324 s 2; 2025 c 39 art 4 s 5*

326.06 GENERAL POWERS AND DUTIES OF BOARD.

Each member of the board shall receive a certificate of appointment from the governor, and, before beginning a term of office, shall file with the secretary of state the constitutional oath of office. The board shall adopt and have an official seal, which shall be affixed to all licenses granted; shall make all rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture, landscape architecture, engineering, geoscience, or interior design. The board shall make rules to define classes of buildings with respect to which persons performing services described in section 326.03, subdivision 2, may be exempted from the provisions of sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare.

History: *(5697-5) 1921 c 523 s 5; 1975 c 329 s 8; 1976 c 222 s 141; 1978 c 577 s 3; 1979 c 222 s 1; 1986 c 444; 1987 c 8 s 2; 1987 c 384 art 1 s 31; 1992 c 507 s 10; 1995 c 206 s 12*

326.07 BOARD, MEETINGS, OFFICERS, QUORUM.

The board shall hold meetings at such times the board shall specify. Notice of all meetings shall be given in such manner as the bylaws may provide as described in chapter 13D. The board shall elect annually from its members a chair, a vice-chair, a secretary and a treasurer. A quorum of the board shall consist of a majority of members of the board qualified to vote on the matter in question.

History: *(5697-6) 1921 c 523 s 6; 1949 c 86 s 2; 1973 c 638 s 44; 1975 c 136 s 56; 1975 c 329 s 9; 1986 c 444; 1992 c 507 s 11; 1995 c 206 s 13; 1998 c 324 s 3*

326.08 [Repealed, 1998 c 324 s 10]

326.09 RECORDS OF BOARD.

The board shall keep a record of its proceedings and a register of all applicants for licensing, showing for each the date of application, name, age, educational and other qualifications, place of business, and the place of residence, whether or not an examination was required and whether the applicant was rejected or a license granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business or of residence of all licensed architects, engineers, land surveyors, landscape architects, geoscientists, and certified interior designers shall be prepared annually. Rosters may be printed out of the funds of the board.

History: *(5697-8) 1921 c 523 s 8; 1955 c 847 s 23; 1957 c 15; 1975 c 329 s 11; 1976 c 222 s 144; 1992 c 507 s 13; 1995 c 206 s 15; 1998 c 324 s 4*

326.10 LICENSURE AND CERTIFICATION.

Subdivision 1. **Issuance.** The board shall on application therefor on a prescribed form, and upon payment of a fee prescribed by rule of the board, issue a license or certificate as an architect, engineer, land surveyor, landscape architect, geoscientist, or certified interior designer. A separate fee shall be paid for each profession licensed.

(1) To any person who complies with the Rules of Professional Conduct established in rules by the board and who has the experience and educational qualifications that the board by rule may prescribe.

(2) To any person who holds an unexpired certificate of registration or license issued by proper authority in the District of Columbia, any state or territory of the United States, or any foreign country, in which the requirements for registration or licensure of architects, engineers, land surveyors, landscape architects, geoscientists, or certified interior designers, respectively, at the time of registration or licensure in the other jurisdiction, were substantially equivalent as established in rules by the board to those fixed by the board and by the laws of this state, and in which similar privileges are extended to the holders of certificates of registration or licensure issued by this state. The board may require such person to submit a certificate of technical qualification from the National Council of Architectural Registration Boards in the case of an architect, from the National Council of Examiners for Engineering and Surveying in the case of an engineer, from the Council of Landscape Architectural Registration Boards in the case of a landscape architect, and from the National Council for Interior Design Qualification in the case of a certified interior designer.

Subd. 2. **Examination.** An applicant for licensure or certification must provide evidence of passing the required examinations as prescribed by the board in rules.

Subd. 2a. **Needs of physically disabled, inclusion in examination.** Examinations for architect, civil structural engineer, landscape architect, and certified interior designer shall include questions which require the applicant to demonstrate knowledge of the design needs of people with physical disabilities and of the relevant statutes and codes.

Subd. 3. [Repealed, Ex1967 c 28 s 9]

Subd. 4. [Repealed, 1976 c 222 s 209]

Subd. 5. [Repealed, 2003 c 85 s 5]

Subd. 6. [Repealed, Ex1967 c 28 s 9]

Subd. 7. **Engineer, land surveyor, geoscientist; in-training.** (1) An applicant for certification as an engineer-in-training who is a graduate with a bachelor of engineering degree from a school or college having an accredited engineering curriculum or whose education, in the opinion of the board, is equivalent thereto, shall receive from the board, upon passing an examination in fundamental engineering subjects, a certificate stating that the applicant has passed such examination and that the applicant's name has been recorded as an engineer-in-training.

(2) An applicant for certification as a land surveyor-in-training who is a graduate with a bachelor's degree from a school or college having an accredited engineering or land surveying curriculum or who has equivalent education, in the opinion of the board, shall receive from the board, upon passing a written examination in the fundamentals of mathematics and the basic principles of land surveying, a certificate stating that the applicant has passed such examination and that the applicant's name has been recorded as a land surveyor-in-training.

(3) An applicant for certification as a geoscientist-in-training who is a graduate with a baccalaureate degree from a school or college having accreditation defined by the board and a geoscience or associated science curriculum approved by the board, shall receive from the board, upon passing the appropriate examination in fundamental geoscience subjects for the applicant's discipline as approved by the board, a certificate stating that the applicant's name has been recorded as a geoscientist-in-training with the appropriate geoscientist-in-training legend as approved by the board.

Subd. 8. **Expiration and renewal.** (a) All licenses and certificates, other than in-training certificates, issued by the board expire at midnight on June 30 of each even-numbered calendar year if not renewed. A holder of a license or certificate issued by the board may renew it by completing and filing with the board an application for renewal consisting of a fully completed form provided by the board and the fee specified in section 326.105. Both the fee and the application must be submitted at the same time and by June 30 of each even-numbered calendar year. The form must be signed by the applicant, contain all of the information requested, and clearly show that the licensee or certificate holder has completed the minimum number of required professional development hours or has been granted an exemption under section 326.107, subdivision 4. An application for renewal that does not comply with the requirements of this subdivision is an incomplete application and must not be accepted by the board.

(b) No later than 30 days before the date a license or certificate expires, the board must send the license or certificate holder a notice by email that indicates the license or certificate is about to expire. The notice must include information on the process and requirements to renew the license or certificate. The application form for a new or renewed license or certificate issued by the board must request that the applicant provide an email address for the purpose of providing the notice under this paragraph. If the board does not possess a record of a license or certificate holder's email address, the board must send the notice to the holder by United States mail.

Subd. 9. **Reinstatement of expired license or certificate.** A licensee or certificate holder whose license or certificate has expired may reinstate the expired license or certificate by satisfying all prior continuing education requirements to a maximum of 48 professional development hours, by paying all of the renewal fees due for all prior renewal periods that the license or certificate was expired and the current renewal period, and paying a delayed renewal fee in the amount set by the board. The continuing education requirement must be satisfied with professional development hours completed within the four years immediately prior to reinstatement and may not include any professional development hours that had previously been used to renew the license or certificate being reinstated.

To reinstate an expired license or certificate, the licensee or certificate holder must file with the board an application for reinstatement consisting of a fully completed form provided by the board and the fees specified in this subdivision. The form must be signed, contain all of the information requested, and clearly show that the licensee or certificate holder either has completed the minimum number of required professional development hours or has been granted an exemption under section 326.107, subdivision 4. An application for reinstatement that does not comply with the requirements of this subdivision is an incomplete application and must not be accepted by the board.

Subd. 10. **Temporary military license.** The board shall establish a temporary license in accordance with section 197.4552 for the practice of architecture, professional engineering, geosciences, land surveying, landscape architecture, and interior design. The fee for the temporary license under this subdivision for the practice of architecture, professional engineering, geosciences, land surveying, landscape architecture, or interior design is $0.

History: *(5697-9) 1921 c 523 s 9; 1933 c 404 s 2; 1945 c 380 s 3; 1949 c 86 s 3; 1949 c 507 s 1; 1955 c 433 s 1; 1959 c 336 s 1-5; 1961 c 519 s 1; Ex1967 c 28 s 4-7; 1971 c 22 s 5; 1971 c 25 s 61; 1975 c 329 s 12; 1976 c 222 s 145; 1978 c 483 s 1; 1986 c 444; 1992 c 507 s 14-16; 1995 c 206 s 16-18; 1998 c 324 s 5,6; 2003 c 85 s 1,2; 2004 c 228 art 1 s 58,59; 2014 c 236 s 4-7; 2014 c 312 art 4 s 20; 2016 c 158 art 1 s 214; 2024 c 120 art 3 s 3; 2024 c 121 art 4 s 7; 2025 c 39 art 4 s 6-8*

326.105 FEES.

The fee for licensure or renewal of licensure as an architect, professional engineer, land surveyor, landscape architect, or geoscience professional is $120 per biennium. The fee for certification as a certified interior designer or for renewal of the certificate is $120 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 $120. 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 application fee is $25 for in-training applicants and $75 for professional license applicants.

History: *1999 c 213 s 1; 1999 c 223 art 2 s 59; 2000 c 488 art 2 s 20; 2006 c 282 art 11 s 12*

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, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted. The ethics hours must have been earned during the biennium to which they are applied and shall not be used toward carryover.

(c) Licensed architects, land surveyors, landscape architects, geoscientists, and certified interior designers must earn a minimum of 24 professional development hours, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted. The ethics hours must have been earned during the biennium to which they are applied and shall not be used toward carryover.

(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. The hours from this source must have been earned during the biennium to which they are applied and shall not be used toward carryover;

(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 regardless of the number of boards, commissions, and committees the licensee or certificate holder serves. The hours from this source must have been earned during the biennium to which they are applied and shall not be used toward carryover; and

(10) patents, after they are granted, for a credit of ten professional development hours. The patent must have been granted during the biennium to which the hours are applied and shall not be used toward carryover.

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 record keeping and reporting.

Subd. 4. **Exemptions.** The following licensees or certificate holders are exempt from the continuing education requirements:

(1) a new licensee or certificate holder for the individual's first biennial renewal; or

(2) a licensee or certificate holder who has experienced during the biennial renewal a serious illness, injury, or other extenuating circumstances, or who has been called to active duty in the military services for a period of time exceeding 120 consecutive days, as reviewed and approved by the board, and where such activities restrict compliance with the continuing education requirements, as supported by documentation furnished to the board.

Subd. 5. [Repealed, 2014 c 236 s 13]

Subd. 6. [Repealed, 2003 c 85 s 5]

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 four years after the end of the licensure period for which the hours apply. 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.** If the board rejects professional development hours reported by a licensee or certificate holder in an amount sufficient to reduce the number of nonrejected professional development hours below the required minimum number, the licensee or certificate holder must be notified of the board's rejection of the hours. The licensee or certificate holder has 180 days after notification to substantiate the validity of the rejected hours or to earn other qualifying hours to meet the minimum requirement. The board's rejection of any professional development hours submitted during this 180-day cure period does not extend or expand the cure period. If the board does not reinstate a sufficient number of the rejected professional development hours to meet the required minimum number of professional development hours, or the licensee or certificate holder does not complete or substantiate that the individual has completed other qualifying professional development hours to meet the required minimum number of professional development hours within the specified period of time, the individual's licensure or certification shall be suspended. Professional development hours earned within the 180-day cure period and applied to current renewal may not be applied to the requirements for the following biennial renewal.

Subd. 9. [Repealed, 2003 c 85 s 5]

History: *1999 c 213 s 3; 2003 c 85 s 3,4; 2014 c 236 s 8-10*

326.11 LICENSE AND CERTIFICATE REGULATION.

Subdivision 1. **Revocation or suspension.** The board shall have the power to revoke or suspend the license or certificate of any architect, engineer, land surveyor, landscape architect, geoscientist, or certified interior designer, who is found guilty by the board of any fraud or deceit in obtaining a license or certificate,

or of attaching the licensee's or certificate holder's seal or signature to any plan, specification, report, plat, or other architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design document not prepared by the person signing or sealing it or under that person's direct supervision, or of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or interior design, 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.

Subd. 2. [Repealed, 1976 c 222 s 209]

Subd. 3. [Repealed, 1976 c 222 s 209]

Subd. 4. [Repealed, 1976 c 222 s 209]

Subd. 5. **Reissuance.** The board may reissue a license to any person whose license has been suspended or revoked upon application for relicensure.

Subd. 6. **Replacement.** A new license to replace any license revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the board.

History: *(5697-10) 1921 c 523 s 10; 1945 c 380 s 4; 1949 c 86 s 4; Ex1967 c 28 s 8; 1975 c 329 s 13-16; 1976 c 222 s 146-148; 1978 c 514 s 1; 1Sp1981 c 4 art 1 s 32; 1986 c 444; 1992 c 507 s 17; 1995 c 206 s 19*

326.111 UNAUTHORIZED PRACTICE; DISCIPLINARY ACTION.

Subdivision 1. **Generally.** (a) If the board, or the complaint committee if authorized by the board, has a reasonable basis to believe that a person has engaged in 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 a violation of a statute, rule, or order that the board has issued or is empowered to enforce, the board, or the complaint committee if authorized by the board, may proceed as described in subdivisions 2 and 3.

(b) The board shall establish a complaint committee to investigate, mediate, or initiate administrative or legal proceedings on behalf of the board with respect to complaints filed with or information received by the board alleging or indicating the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or a violation of statute, rule, or order that the board has issued or is empowered to enforce. The complaint committee shall consist of five members of the board, with no more than one from each of the professions licensed by the board, and no more than two public members.

(c) Except as otherwise described in this section, all hearings shall be conducted in accordance with chapter 14.

Subd. 2. **Legal action.** (a) When necessary to prevent the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or a violation of a statute, rule, or order that the board has issued or is empowered to enforce, the board, or the complaint committee if authorized by the board, may bring an action in the name of the state in the district court in Ramsey County or in any county in which jurisdiction is proper to enjoin the act, practice, or violation and to enforce compliance with the statute, rule, or order. Upon a showing that a person has engaged in 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 a violation of a statute, rule, or order that the board has issued or is empowered to enforce, a permanent or temporary injunction, restraining order, or other appropriate relief shall be granted.

(b) For purposes of injunctive relief under this subdivision, irreparable harm exists when the board shows that a person has engaged in 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 a violation of a statute, rule, or order that the board has issued or is empowered to enforce.

(c) Injunctive relief granted under paragraph (a) does not relieve an enjoined person from criminal prosecution by a competent authority or from disciplinary action by the board with respect to the person's license, certificate, or application for examination, license, or renewal.

Subd. 3. **Cease and desist orders.** (a) The board, or the complaint committee if authorized by the board, may issue and have served upon a person an order requiring the person to cease and desist from the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the titles architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, certified interior designer, or violation of the statute, rule, or order. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing and shall state the reasons for the entry of the order.

(b) Service of the order is effective if the order is served on the person or counsel of record personally or by certified mail to the most recent address provided to the board for the person or counsel of record. Service of the order must be by first class United States mail, including certified United States mail, or overnight express mail service with the postage prepaid and addressed to the party at the party's last known address. Service by United States mail, including certified mail, is complete upon placing the order in the mail or otherwise delivering the order to the United States mail service. Service by overnight express mail service is complete upon delivering the order to an authorized agent of the express mail service.

(c) Unless otherwise agreed by the board, or the complaint committee if authorized by the board, and the person requesting the hearing, the hearing shall be held no later than 30 days after the request for the hearing is received by the board.

(d) The administrative law judge shall issue a report within 30 days of the close of the contested case hearing record, notwithstanding Minnesota Rules, part 1400.8100, subpart 3. Within 30 days after receiving the report and any exceptions to it, the board shall issue a further order vacating, modifying, or making permanent the cease and desist orders as the facts require.

(e) If no hearing is requested within 30 days of service of the order, the order becomes final and remains in effect until it is modified or vacated by the board.

(f) If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person is in default and the proceeding may be determined against that person upon consideration of the cease and desist order, the allegations of which may be considered to be true.

Subd. 4. **Actions against applicants and licensees.** (a) The board may, by order, deny, refuse to renew, suspend, temporarily suspend, or revoke the application, license, or certification of a person; censure or reprimand that person; condition or limit the person's practice; refuse to permit a person to sit for examination; or refuse to release the person's examination grades if the board finds that the order is in the public interest and the applicant, licensee, or certificate holder:

(1) has violated a statute, rule, or order that the board has issued or is empowered to enforce;

(2) has engaged in conduct or acts that are fraudulent, deceptive, or dishonest whether or not the conduct or acts relate to the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or certified interior design, providing that the fraudulent, deceptive, or dishonest conduct or acts reflect adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or certified interior design;

(3) has engaged in conduct or acts that are negligent or otherwise in violation of the standards established by Minnesota Rules, chapters 1800 and 1805, where the conduct or acts relate to the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or use of the title certified interior designer;

(4) has been convicted of or has pled guilty or nolo contendere to a felony, an element of which is dishonesty or fraud, whether or not the person admits guilt, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or has engaged in conduct reflecting adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or use of the title certified interior designer;

(5) employed fraud or deception in obtaining a certificate, license, renewal, or reinstatement or in passing all or a portion of the examination;

(6) has had the person's architecture, engineering, land surveying, landscape architecture, geoscience, or interior design license, certificate, right to examine, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, in the District of Columbia, or in any foreign country;

(7) has had the person's right to practice before any federal, state, or other government agency revoked, suspended, canceled, limited, or not renewed;

(8) failed to meet any requirement for the issuance or renewal of the person's license or certificate;

(9) has attached the person's seal or signature to a plan, specification, report, plat, or other architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design document not prepared by the person sealing or signing it or under that person's direct supervision; or

(10) with respect to temporary suspension orders, has committed an act, engaged in conduct, or committed practices that may, or has in the opinion of the board, or the complaint committee if authorized by the board, resulted in an immediate threat to the public.

(b) In lieu of or in addition to any remedy provided in paragraph (a), the board may require, as a condition of continued licensure, possession of certificate, termination of suspension, reinstatement of license or certificate, examination, or release of examination grades, that the person:

(1) submit to a quality review of the person's ability, skills, or quality of work, conducted in such fashion and by such persons, entity, or entities as the board may require including, but not limited to, remedial education courses; and

(2) complete to the satisfaction of the board such continuing professional education courses as the board may specify by rule.

(c) Service of the order must be by first class United States mail, including certified United States mail, or overnight express mail service with the postage prepaid and addressed to the party at the party's last known address. Service by United States mail, including certified mail, is complete upon placing the order in the mail or otherwise delivering the order to the United States mail service. Service by overnight express

mail service is complete upon delivering the order to an authorized agent of the express mail service. The order shall state the reasons for the entry of the order.

(d) All hearings required by this section shall be conducted in accordance with chapter 14, except with respect to temporary suspension orders, as provided for in subdivision 5, paragraph (d).

Subd. 5. **Procedure for temporary suspension of license or certificate.** (a) When the board, or the complaint committee if authorized by the board, issues a temporary suspension order, the suspension is in effect upon service of a written order on the licensee or counsel of record, specifying the statute, rule, or order violated. The order remains in effect until the board issues a final order in the matter after a hearing or upon agreement between the board and the licensee.

(b) Service of the order must be by first class United States mail, including certified United States mail, or overnight express mail service with postage prepaid and addressed to the party at the party's last known address. Service by United States mail, including certified mail, is complete upon placing the order in the mail or otherwise delivering the order to the United States mail service. Service by overnight express mail service is complete upon delivering the order to an authorized agent of the express mail service.

(c) The order shall set forth the rights to a hearing contained in this subdivision and shall state the reasons for the entry of the order.

(d) Within ten days after service of the order, the licensee may request a hearing in writing. The board shall hold a hearing before its own members within five working days of receipt of a request for hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift the temporary suspension. This hearing is not subject to chapter 14. Evidence presented by the board or the licensee shall be in affidavit form only. The licensee or counsel of record may appear for oral argument.

(e) Within five working days after the hearing, the board shall issue its order and, if the suspension is continued, schedule a contested case hearing within 30 days after issuance of the order. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record, notwithstanding the provisions of Minnesota Rules, part 1400.8100, subpart 3. The board shall issue a final order within 30 days after receipt of that report and any exceptions to it.

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 violates 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 Court 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.

Subd. 7. **Reinstatement.** The board may reinstate a suspended, revoked, or surrendered certificate or license upon petition of the former or suspended certificate holder or licensee. The board may, in its sole discretion, place any other conditions, including reexamination in whole or in part, upon reinstatement of a suspended, revoked, or surrendered certificate or license that it finds appropriate and necessary to ensure that the purposes of sections 326.02 to 326.15 are met. No suspended certificate or license shall be reinstated until the former certificate holder or licensee has completed one-half of the suspension.

Subd. 8. **Actions against a person with a lapsed license or certificate.** If a person's license or certificate lapses; is surrendered, withdrawn, or terminated; or otherwise becomes ineffective, the board may institute a proceeding against the person under this subdivision within two years after the license or certificate was last effective and enter a revocation or suspension order as of the last date on which the license or certificate was in effect or impose a civil penalty as provided in subdivision 6.

History: *1993 c 358 s 1; 1994 c 465 art 1 s 39; 1995 c 206 s 20-24; 1999 c 213 s 4; 2014 c 236 s 11; 2025 c 39 art 2 s 68; art 4 s 9-12*

326.12 LICENSE OR CERTIFICATE AS EVIDENCE; SEAL.

Subdivision 1. **Judicial proof.** The issuance of a license or certificate by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer while the license or certificate remains unrevoked or has not expired or has not been suspended.

Subd. 2. **Seal.** Each licensee or certificate holder may, upon licensure or certification, obtain a seal bearing the licensee's or certificate holder's name and the legend "licensed architect," "licensed professional engineer," "licensed land surveyor," "licensed landscape architect," the appropriate licensed professional geoscientist legend as defined by the board, or "certified interior designer." Plans, specifications, plats, reports, and other documents prepared by a licensee or certificate holder may be stamped with the seal during the life of the license or certificate. A rubber stamp facsimile thereof may be used in lieu of the seal on tracings from which prints are to be made or on papers which would be damaged by the regular seal. It shall be unlawful for any one to stamp or seal any document with the stamp or seal after the license or certificate has expired, been revoked or suspended, unless said license or certificate shall have been renewed or reissued.

Subd. 3. **Certified signature.** Each plan, drawing, specification, plat, report, or other document which under sections 326.02 to 326.15 is prepared by a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer must bear the signature of the licensed or certified person preparing it, or the signature of the licensed or certified person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is licensed or certified under sections 326.02 to 326.15, by the person's license or certificate number, and by the date on which the signature was affixed. The provisions of this paragraph shall not apply to any plans, drawings, specifications, plats, reports, or other documents of an intraoffice or intracompany nature or that are considered to be drafts or of a preliminary, schematic, or design development nature by licensed or certified individuals who would normally be responsible for their preparation. The required signature and certification must appear on all pages of plans and drawings that must be signed, but only on the first page of specifications, plats, reports, or other documents that must be signed. A stamp, printed signature, or

electronically created signature has the same force and effect as an actual signature if it creates an accurate depiction of the licensed or certified professional's actual signature.

History: *(5697-11) 1921 c 523 s 11; 1945 c 380 s 5; 1971 c 22 s 6; 1975 c 329 s 17; 1976 c 222 s 149; 1Sp1981 c 4 art 1 s 33; 1992 c 507 s 18; 1994 c 632 art 3 s 55; 1995 c 206 s 25; 1995 c 265 art 2 s 28; 2002 c 245 s 1; 2004 c 228 art 1 s 60; 2014 c 236 s 12*

326.13 PRACTICE EXEMPT.

Practice of architecture, engineering, landscape architecture, land surveying, or geoscience, or use of the title certified interior designer in this state prior to licensure or certification by the board shall be permitted under the following conditions and limitations:

(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:

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

(ii) shall have filed an application for licensure as an architect, an engineer, a geoscientist, or a certified interior designer 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 or certification in this state and is entitled to receive a license or certificate, and has applied for and been granted a temporary permit to practice. Temporary permits shall be granted to do a specific job for the period stipulated on the permit.

(2) By a nonresident applicant who seeks to provide architecture, engineering, land surveying, landscape architecture, geoscience, or certified interior design services in this state if the applicant offers to practice only for the purpose of seeking to provide services, without having first been registered or certified by the state, if the applicant:

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

(ii) notified the board in writing that the applicant is not currently registered in this state, but will be present in this state for the purpose of seeking to provide services;

(iii) delivers a copy of the notice referred to in item (ii) to every potential client for whom the applicant is seeking to provide services; and

(iv) applies within ten days to the board for licensure or certification if selected as the design professional for a project in this state; the applicant is prohibited from actually rendering services as defined within the terms of sections 326.02 to 326.15 until the applicant is licensed or certified, or obtains a temporary permit as described in clause (1).

(3) Practice as an architect, an engineer, a land surveyor, a landscape architect, or a geoscientist, or use of the title certified interior designer solely as an officer or employee of the United States.

(4) Practice as a geoscientist by a person who would be qualified under sections 326.02 to 326.15 by virtue of experience and education while (i) engaged in exploration, development, extraction, and reclamation of minerals and mineral deposits or energy resources including sand, gravel, peat, industrial minerals, metallic minerals, iron ore, coal, oil, and gas and other mineral fuels; (ii) an employee of a corporation or agency

engaged in such exploration, development, extraction, and reclamation of minerals and mineral deposits; (iii) acting in accordance with the provisions of section 82B.035, subdivision 3; 103I.205, subdivision 4; or 103I.601, subdivision 2; or (iv) engaged in academic geoscience research.

History: *(5697-13) 1921 c 523 s 13; 1933 c 404 s 4; 1971 c 22 s 7; 1975 c 329 s 18; 1976 c 222 s 150; 1Sp1981 c 4 art 1 s 34; 1986 c 444; 1992 c 507 s 19; 1995 c 206 s 26; 1998 c 324 s 7; 2004 c 228 art 1 s 61*

326.14 CORPORATIONS AND PARTNERSHIPS AUTHORIZED.

A corporation, partnership or other firm may engage in work of an architectural or engineering character, in land surveying, in landscape architecture, or in geoscience, or use the title of certified interior designer in this state, provided the person or persons connected with such corporation, partnership or other firm in responsible charge of such work is or are licensed or certified as herein required for the practice of architecture, engineering, land surveying, landscape architecture, and geoscience, and use of the title of certified interior designer.

History: *(5697-14) 1921 c 523 s 14; 1933 c 404 s 5; 1945 c 380 s 6; 1975 c 329 s 19; 1976 c 222 s 151; 1992 c 507 s 20; 1995 c 206 s 27*

326.15 FALSE IMPERSONATION.

It shall be unlawful for any person to present or attempt to use as the person's own the seal or certificate of another, or to give false or forged evidence of any kind to the board, or any member thereof, or to falsely impersonate any licensee or certificate holder of like or different name, or to use or attempt to use as the person's own the license of another issued by any authority outside of this state, or to use or attempt to use an expired or revoked or suspended license.

History: *(5697-15) 1921 c 523 s 15; 1945 c 380 s 7; 1976 c 222 s 152; 1986 c 444; 2004 c 228 art 1 s 62*

326.16 [Repealed, 1976 c 222 s 209]

326.165 Subdivision 1. [Repealed, 2001 c 109 art 1 s 18]

Subd. 1a. [Renumbered 326.1655, subdivision 1]

Subd. 2. [Renumbered 326.1655, subd 7]

Subd. 3. [Renumbered 326.1655, subd 2]

Subd. 4. [Renumbered 326.1655, subd 3]

Subd. 5. [Renumbered 326.1655, subd 4]

Subd. 6. [Renumbered 326.1655, subd 5]

Subd. 7. [Renumbered 326.1655, subd 6]

326.1655 [Repealed, 2001 c 109 art 1 s 18]

326.17 [Repealed, 2001 c 109 art 1 s 18]

326.18 [Repealed, 2001 c 109 art 1 s 18]

326.19 [Repealed, 2001 c 109 art 1 s 18]

326.191 [Repealed, 1998 c 340 s 21]

326.192 [Repealed, 2001 c 109 art 1 s 18]

326.197 [Repealed, 2001 c 109 art 1 s 18]

326.20 Subdivision 1. [Repealed, 2001 c 109 art 1 s 18]

Subd. 2. [Repealed by amendment, 1998 c 340 s 6]

Subd. 3. [Repealed, 2001 c 109 art 1 s 18]

Subd. 4. [Repealed by amendment, 1998 c 340 s 6]

326.201 [Repealed, 2001 c 109 art 1 s 18]

326.21 [Repealed, 1998 c 340 s 21]

326.211 [Repealed, 2001 c 109 art 1 s 18]

326.212 [Repealed, 2001 c 109 art 1 s 18]

326.22 [Repealed, 2001 c 109 art 1 s 18]

326.223 [Repealed, 2001 c 109 art 1 s 18]

326.224 [Repealed, 2001 c 109 art 1 s 18]

326.225 [Repealed, 1998 c 340 s 21]

326.228 [Repealed, 2001 c 109 art 1 s 18]

326.229 [Repealed, 2001 c 109 art 1 s 18]

326.23 [Repealed, 1992 c 542 s 5]

326.231 [Repealed, 1992 c 542 s 5]

326.24 [Repealed, 1967 c 602 s 17]

326.241 [Repealed, 2007 c 135 art 2 s 40; 2007 c 140 art 5 s 33]

326.2411 [Repealed, 2008 c 337 s 65]

326.2415 MS 2006 [Renumbered 326B.32]

326.242 Subdivision 1. MS 2006 [Renumbered 326B.33, subdivision 1]

Subd. 2. [Renumbered 326B.33, subd 2]

Subd. 3. [Renumbered 326B.33, subd 3]

Subd. 3a. [Renumbered 326B.33, subd 4]

Subd. 3b. [Renumbered 326B.33, subd 5]

Subd. 3c. [Renumbered 326B.33, subd 6]

Subd. 3d. [Renumbered 326B.33, subd 7]

Subd. 3e. [Renumbered 326B.33, subd 8]

Subd. 3f. [Renumbered 326B.33, subd 9]

Subd. 3g. [Renumbered 326B.33, subd 10]

Subd. 3h. [Renumbered 326B.33, subd 11]

Subd. 4. [Repealed, 2007 c 140 art 13 s 3]

Subd. 5. [Renumbered 326B.33, subd 12]

Subd. 5a. [Renumbered 326B.33, subd 13]

Subd. 6. [Renumbered 326B.33, subd 14]

Subd. 6a. [Renumbered 326B.33, subd 15]

Subd. 6b. [Renumbered 326B.33, subd 16]

Subd. 6c. [Renumbered 326B.33, subd 17]

Subd. 7. [Renumbered 326B.33, subd 18]

Subd. 8. [Renumbered 326B.33, subd 19]

Subd. 9. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9a. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9b. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9c. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9d. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9e. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9f. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9g. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9h. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9i. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9j. [Repealed, 2007 c 140 art 13 s 3]

Subd. 9k. [Repealed, 2007 c 140 art 13 s 3]

Subd. 10. [Repealed, 2007 c 140 art 13 s 3]

Subd. 11. [Renumbered 326B.33, subd 20]

Subd. 12. [Renumbered 326B.33, subd 21]

326.2421 Subdivision 1. [Repealed, 1Sp1985 c 6 s 11]

Subd. 2. MS 2006 [Renumbered 326B.34, subdivision 1]

Subd. 3. [Repealed, 2003 c 58 s 8]

Subd. 4. [Repealed, 2003 c 58 s 8]

Subd. 5. [Repealed, 1Sp1985 c 6 s 11]

Subd. 6. [Repealed, 2003 c 58 s 8]

Subd. 7. [Repealed, 1987 c 384 art 3 s 14]

Subd. 8. [Repealed, 2003 c 58 s 8]

Subd. 9. MS 2006 [Renumbered 326B.34, subd 2]

326.243 MS 2006 [Renumbered 326B.35]

326.244 Subdivision 1. MS 2006 [Renumbered 326B.36, subdivision 1]

Subd. 1a. MS 2006 [Renumbered 326B.36, subd 2]

Subd. 1b. MS 2006 [Renumbered 326B.36, subd 3]

Subd. 2. MS 2006 [Renumbered 326B.36, subd 4]

Subd. 3. MS 2006 [Renumbered 326B.36, subd 5]

Subd. 4. MS 2006 [Renumbered 326B.36, subd 6]

Subd. 5. MS 2006 [Renumbered 326B.36, subd 7]

Subd. 6. [Repealed, 2007 c 140 art 13 s 3]

326.2441 Subdivision 1. MS 2006 [Renumbered 326B.37, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.37, subd 2]

Subd. 3. MS 2006 [Renumbered 326B.37, subd 3]

Subd. 4. MS 2006 [Renumbered 326B.37, subd 4]

Subd. 5. MS 2006 [Renumbered 326B.37, subd 5]

Subd. 6. MS 2006 [Renumbered 326B.37, subd 6]

Subd. 7. MS 2006 [Renumbered 326B.37, subd 7]

Subd. 8. MS 2006 [Renumbered 326B.37, subd 8]

Subd. 9. MS 2006 [Renumbered 326B.37, subd 9]

Subd. 10. MS 2006 [Renumbered 326B.37, subd 10]

Subd. 11. MS 2006 [Renumbered 326B.37, subd 11]

Subd. 11a. MS 2006 [Renumbered 326B.37, subd 12]

Subd. 12. MS 2006 [Renumbered 326B.37, subd 13]

Subd. 13. MS 2006 [Renumbered 326B.37, subd 14]

326.245 MS 2006 [Renumbered 326B.38]

326.246 [Repealed, 2007 c 140 art 13 s 3]

326.2461 [Repealed, 2007 c 140 art 13 s 3]

326.247 [Repealed, 2007 c 140 art 5 s 33]

326.248 MS 2006 [Renumbered 326B.399]

326.25 [Repealed, 1967 c 602 s 17]

326.26 [Repealed, 1967 c 602 s 17]

326.261 [Repealed, 1967 c 602 s 17]

326.27 [Repealed, 1967 c 602 s 17]

326.28 [Repealed, 1967 c 602 s 17]

326.29 [Repealed, 1967 c 602 s 17]

326.30 [Unnecessary]

326.31 [Repealed, 1967 c 602 s 17]

PRIVATE DETECTIVES, PROTECTIVE AGENTS

326.32 MS 1965 [Repealed, 1967 c 602 s 17]

326.32 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 326.32 to 326.339, the terms defined in this section have the meanings given them.

Subd. 1a. **Armed with a firearm.** An individual is "armed with a firearm" if at any time in the performance of the individual's duties the individual wears, carries, possesses, or has access to a firearm.

Subd. 1b. **Armed with a weapon.** An individual is "armed with a weapon" if at any time in the performance of the individual's duties the individual wears, carries, possesses, or has access to:

(1) a weapon other than a firearm; or

(2) an immobilizing or restraining device.

Subd. 2. **Board.** "Board" means the Board of Private Detective and Protective Agent Services.

Subd. 3. **Board member.** "Board member" means any person appointed as a member of the Board of Private Detective and Protective Agent Services.

Subd. 4. **Chair.** "Chair" means the board member designated by the board to act in the capacity of board chair.

Subd. 5. **Board review.** "Board review" means the process by which the board reviews and evaluates private detective or protective agent license applications.

Subd. 6. [Repealed, 1987 c 360 s 26]

Subd. 7. [Repealed, 1987 c 360 s 26]

Subd. 8. **Applicant.** "Applicant" means any individual or corporation who has made application for a private detective or protective agent license.

Subd. 9. **License.** "License" means a private detective license or a protective agent license.

Subd. 10. **License holder.** "License holder" means any individual or corporation licensed to perform the duties of a private detective or a protective agent.

Subd. 10a. **Minnesota manager.** "Minnesota manager" means the member of a corporation who meets the qualifications for licensing as provided in sections 326.32 to 326.339. The Minnesota manager must be actively involved in the day to day management and supervision of the licensed activity in the Minnesota office.

Subd. 10b. **Minnesota office.** "Minnesota office" means an office maintained in Minnesota by a license holder for the conduct or solicitation of business when the principal place of business of the license holder is located outside the state of Minnesota.

Subd. 10c. **Proprietary employer.** A "proprietary employer" means an individual or a 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.

Subd. 11. **Public member.** "Public member" means a person who is not, nor ever was, a member of the profession or occupation being licensed, or the spouse of any such person or a person who has not, nor ever has had, a material or financial interest in either the providing of the professional service being licensed or regulated or an activity directly related to the profession being licensed.

Subd. 12. **Qualified representative.** "Qualified representative" means the member of a corporation who meets the qualifications for licensing as provided in sections 326.32 to 326.339. The qualified representative must be actively involved in the day to day management and supervision of the licensed activity.

Subd. 13. **Security guard.** (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 plainclothes 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.

Subd. 14. [Renumbered subd 1a]

History: *1974 c 310 s 1; 1975 c 271 s 6; 1984 c 649 s 5; 1986 c 444; 1987 c 360 s 1-6; 1989 c 171 s 1,2; 1990 c 485 s 1; 2001 c 168 s 1,2; 2023 c 52 art 5 s 44; 2026 c 83 s 1-5*

326.33 MS 1965 [Repealed, 1945 c 130 s 1]

326.33 BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES.

Subdivision 1. **Members.** There is hereby created a Board of Private Detective and Protective Agent Services, consisting of the superintendent of the Bureau of Criminal Apprehension or an assistant superintendent designated by the superintendent, and the following members appointed by the commissioner of public safety: a licensed protective agent, or qualified representative for a licensed protective agent corporation; a licensed private detective, or qualified representative for a licensed private detective corporation; and two public members. Filling of member vacancies shall be the responsibility of the commissioner of public safety. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, unless otherwise provided in sections 326.32 to 326.339; administrative services and office space; the review and processing of complaints; the setting of board fees, unless otherwise provided in sections 326.32 to 326.339; and other provisions relating to board operations shall be as provided in chapter 214.

Subd. 2. **Meetings; chair.** The board shall meet at the times it considers necessary to conduct business ascribed to the board by the provisions of sections 326.32 to 326.339. The board shall designate one of its members to fill the position of board chair, and that person may remain in the capacity of chair for a term of one year. The board has the option of replacing a board member as chair.

Subd. 3. [Repealed, 1987 c 360 s 26]

Subd. 4. [Repealed, 1987 c 360 s 26]

Subd. 5. [Repealed, 1987 c 360 s 26]

Subd. 6. **Compensation to board members.** Members of the Board of Private Detective and Protective Agent Services shall receive, in addition to necessary traveling and lodging expenses, a per diem payment as specified in section 214.09, subdivision 3, per day for each day actually engaged in board activities,

provided, however, members of the board who are state employees will be governed by state rules regarding travel expense and per diem payments.

History: *1974 c 310 s 5; 1975 c 136 s 64; 1975 c 271 s 6; 1976 c 149 s 54; 1976 c 222 s 170-172; 1980 c 509 s 128; 1982 c 424 s 130; 1984 c 531 s 8; 1984 c 649 s 1,5; 1986 c 444; 1987 c 360 s 7,8; 2000 c 445 art 1 s 3; 2026 c 83 s 6*

326.331 [Repealed, 1987 c 360 s 26]

326.3311 POWERS AND DUTIES.

The board has the following powers and duties:

(1) to receive and review all applications for private detective and protective agent licenses;

(2) to approve applications for private detective and protective agent licenses and issue, or reissue licenses as provided in sections 326.32 to 326.339;

(3) to deny applications for private detective and protective agent licenses if the applicants do not meet the requirements of sections 326.32 to 326.339; upon denial of a license application, the board shall notify the applicant of the denial and the facts and circumstances that constitute the denial; the board shall advise the applicant of the right to a contested case hearing under chapter 14;

(4) to enforce all laws and rules governing private detectives and protective agents;

(5) to suspend or revoke the license of a license holder or impose a civil penalty on a license holder for violations of any provision of sections 326.32 to 326.339 or the rules of the board;

(6) to investigate and refer for prosecution all criminal violations by individuals and entities; and

(7) to investigate and refer for prosecution any individuals and entities operating as private detectives or protective agents without a license.

History: *1987 c 360 s 9; 2023 c 52 art 10 s 4*

326.332 [Repealed, 1987 c 360 s 26]

326.3321 EMPLOYEES.

Subdivision 1. **Executive director.** The commissioner of public safety shall appoint an executive director to serve in the unclassified service at the pleasure of the commissioner. The executive director shall perform the duties as the board and commissioner shall prescribe.

Subd. 2. **Others.** The board may employ and assign duties to other employees or agents as it considers necessary to discharge the functions of the board.

History: *1987 c 360 s 10; 1997 c 239 art 8 s 24*

326.333 [Repealed, 1987 c 360 s 26]

326.3331 RULEMAKING.

The board shall adopt rules under chapter 14 to govern the selection, training, conduct, discipline, and licensing of private detectives and protective agents, and any other matters necessary to carry out duties imposed by sections 326.32 to 326.339.

History: *1987 c 360 s 11*

326.334 [Repealed, 1987 c 360 s 26]

326.3341 EXEMPTIONS.

Sections 326.32 to 326.339 do not apply to:

(1) an employee while providing security or conducting an investigation of a pending or potential claim against the employee's employer;

(2) a peace officer or employee of the United States, this state or one of its political subdivisions, while engaged in the discharge of official duties for the government employer;

(3) persons engaged exclusively in obtaining and furnishing information as to the financial standing, rating, and credit responsibility of persons or as to the personal habits and financial responsibility of applicants for insurance, indemnity bonds, or commercial credit;

(4) an attorney-at-law while performing the duties of an attorney-at-law or an investigator employed exclusively by an attorney or a law firm engaged in investigating legal matters;

(5) a collection agency or finance company licensed to do business under the laws of this state or an employee of one of those companies while acting within the scope of employment when making an investigation incidental to the business of the agency, including an investigation as to location of a debtor, of the debtor's assets or property, provided the client has a financial interest in or a lien upon the assets or property of the debtor;

(6) an insurance adjuster employed exclusively by an insurance company, or licensed as an adjuster with the state of Minnesota and engaged in the business of adjusting insurance claims;

(7) persons engaged in responding to alarm signals including, but not limited to, fire alarms, industrial process failure alarms and burglary alarms, for purposes of maintaining, repairing or resetting the alarm, or for opening the premises for law enforcement personnel or responding agents; or

(8) a certified public accountant or a CPA firm, while performing services regulated under chapter 326A.

History: *1987 c 360 s 12; 2013 c 69 s 1*

326.335 [Repealed, 1974 c 310 s 12]

326.336 EMPLOYEES OF LICENSE HOLDERS.

Subdivision 1. **Background check.** 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 forward the fingerprints to the Federal Bureau of Investigation and request the Federal Bureau of Investigation to conduct a criminal history check of each conditional employee. The bureau shall determine if the Federal Bureau of Investigation report indicates that the employee was convicted of a disqualifying offense and shall notify the employer accordingly. The employer shall immediately dismiss an employee who has been convicted of a disqualifying offense.

Subd. 2. **Identification card.** An identification card must be issued by the license holder to each employee. The card must be in the possession of the employee to whom it is issued at all times. The identification card must contain the license holder's name, logo (if any), address or Minnesota office address, and the employee's photograph and physical description. The card must be signed by the employee and by the license holder, qualified representative, or Minnesota office manager. The card must be presented upon request.

Subd. 3. **Failure to return property.** Any person who shall be issued an identification card, badge, holster, weapon, shield, or any other equipment bearing the name, trademark or trade name, or any combination thereof, of any licensed agency, or indicating that such person is a private detective, protective agent, or employee of same, who does not return such badge, weapon, holster, identification card, uniform emblem, or other equipment to the owner thereof within ten days of the termination of employment, or of receiving a written request to return same, made by certified mail to the person's last known address, whichever shall last occur, shall be guilty of a misdemeanor.

Subd. 4. **Confidentiality; false statements.** No employee of any license holder shall divulge to anyone other than the employer, or as the employer shall direct, except as may be required by law, any information acquired during such employment in respect of any matter or investigation undertaken or done by such employer. Any employee who shall make any false statement in an employment statement or who willfully makes a false report to the employer in respect to any matter in the course of the employer's business, or who shall otherwise violate the provisions of this subdivision is guilty of a misdemeanor.

History: *1945 c 130 s 7; 1959 c 317 s 5; 1969 c 1129 art 1 s 3; 1974 c 310 s 7; 1978 c 674 s 60; 1984 c 649 s 5; 1986 c 444; 1987 c 360 s 13; 1989 c 171 s 3; 2002 c 321 s 4; 2023 c 52 art 10 s 5*

326.3361 TRAINING.

Subdivision 1. **Rules.** The board shall, by rule, prescribe the requirements, duration, contents, and standards for successful completion of certified training programs for license holders, qualified representatives, Minnesota managers, partners, and employees, including:

(1) for those individuals who are armed with a firearm, training in the proper use of, and the risks and dangers arising from the use of, firearms;

(2) for those individuals who are armed with a weapon, training in the proper use of, and the risks and dangers arising from the use of, weapons other than firearms, including, but not limited to, bludgeons, nightsticks, batons, chemical weapons, and electronic incapacitation devices, and restraint or immobilization techniques;

(3) for those individuals who are armed with a firearm or armed with a weapon, training in first aid and alternatives to the use of force, including advantages to not using force and specifically when force should not be used;

(4) for those individuals who are armed with a firearm or armed with a weapon, training in the legal limitations on the justifiable use of force and deadly force as specified in sections 609.06 and 609.065;

(5) standards for weapons and equipment issued to or carried or used by those individuals;

(6) preassignment or on-the-job training, or its equivalent, required before applicants may be certified as having completed training; and

(7) continuing training for license holders, qualified representatives, Minnesota managers, partners, employees, individuals armed with a firearm, and individuals armed with a weapon.

Subd. 2. **Required contents.** The rules adopted by the board must require:

(1) 12 hours of preassignment or on-the-job certified training within the first 21 days of employment, or evidence that the employee has successfully completed equivalent training before the start of employment. Notwithstanding any statute or rule to the contrary, this clause is satisfied if the employee provides a prospective employer with a certificate or a copy of a certificate demonstrating that the employee successfully completed this training prior to employment with a different Minnesota licensee and completed this training within three previous calendar years, or successfully completed this training with a Minnesota licensee while previously employed with a Minnesota licensee. The certificate or a copy of the certificate is the property of the employee who completed the training, regardless of who paid for the training or how training was provided. Upon a current or former employee's request, a current or former licensed employer must provide a copy of a certificate demonstrating the employee's successful completion of training to the current or former employee. The current or former licensed employer must not charge the employee a fee for a copy of the certificate. The employee who completed the training is entitled to access a copy of the certificate at no charge according to sections 181.960 to 181.966. A current or former employer must comply with sections 181.960 to 181.966;

(2) certification by the board of completion of certified training for a license holder, qualified representative, Minnesota manager, partner, and employee to carry or use a firearm, a weapon other than a firearm, or an immobilizing or restraint technique; and

(3) six hours a year of certified continuing training for all license holders, qualified representatives, Minnesota managers, partners, and employees, and an additional six hours a year for individuals who are armed with firearms or armed with weapons, which must include annual certification of the individual.

An individual may not carry or use a weapon while undergoing on-the-job training under this subdivision.

Subd. 3. **Use of weapons; certified training required.** The rules must provide that no license holder, qualified representative, Minnesota manager, partner, or employee may carry or use a weapon or immobilizing or restraint technique without having successfully completed certified training as directed by the board.

Subd. 4. **Full-time peace officers.** A person licensed as a peace officer by the Board of Peace Officer Standards and Training meets the training requirements of this section.

History: *1990 c 485 s 2; 1993 c 168 s 1-3; 2000 c 445 art 1 s 4; 2001 c 168 s 3,4; 2023 c 52 art 10 s 6*

326.337 [Repealed, 1987 c 360 s 26]

326.338 PERSONS ENGAGED AS PRIVATE DETECTIVES OR PROTECTIVE AGENTS.

Subdivision 1. **Private detective.** Persons who for a fee, reward, or other consideration, undertake any of the following acts for the purpose of obtaining information for others are considered to be engaged in the business of a private detective:

(1) investigating crimes or wrongs done or threatened against the government of the United States or of any state, county, or municipal subdivision thereof;

(2) investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any person or organization;

(3) investigating the credibility of witnesses or other persons;

(4) investigating the location or recovery of lost or stolen property;

(5) investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to persons or property;

(6) investigating the affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof;

(7) investigating the conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, or contractors and subcontractors;

(8) obtaining through investigation evidence to be used before any authorized investigating committee, board of award, board of arbitration, administrative body, or officer or in preparation for trial of civil or criminal cases; or

(9) investigating the identity or apprehension of persons suspected of crimes or misdemeanors.

Subd. 2. [Repealed, 1987 c 360 s 26]

Subd. 3. [Repealed, 1987 c 360 s 26]

Subd. 4. **Protective agent.** A person who for a fee, reward, or other valuable consideration undertakes any of the following acts is considered to be engaged in the business of protective agent:

(1) providing guards, private patrol, or other security personnel to protect persons or their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or to prevent the misappropriation or concealment of goods, merchandise, money, or other valuable things, or to procure the return of those things;

(2) physically responding to any alarm signal device, burglar alarm, television camera, still camera, or a mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, losses, or other security measures;

(3) providing armored car services for the protection of persons or property;

(4) controlling motor traffic on public streets, roads, and highways for the purpose of escorting a funeral procession and oversized loads;

(5) providing management and control of crowds for the purpose of safety and protection; or

(6) providing guards or other security personnel to transport prisoners or any other person arrested on a warrant, except that this does not apply to the transport or escort of offenders by staff of the Department of Corrections; the transport of a person by the sheriff of a county to the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections or to and from court in connection with postconviction, habeas corpus, or intrastate mandatory disposition of detainers proceedings; the transfer of a person by emergency medical services personnel; or the transfer of a person by a peace officer as defined in section 626.84, subdivision 1, paragraph (c), or employed by a federal law enforcement agency.

A person covered by this subdivision may perform the traffic-control duties in clause (4) in place of a police officer when a special permit is required, provided that the protective agent is first-aid qualified.

History: *1945 c 130 s 9; 1959 c 317 s 7; 1974 c 310 s 9; 1986 c 444; 1987 c 360 s 14,15; 1996 c 387 s 6; 2024 c 123 art 5 s 13; 2025 c 35 art 7 s 14*

326.3381 LICENSES.

Subdivision 1. **Prohibition.** No person shall engage in the business of private detective or protective agent, or advertise or indicate in any verbal statement or in written material that the person is so engaged or available to supply those services, without having first obtained a license as provided in sections 326.32 to 326.339.

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.

Subd. 2. **Application procedure.** The board shall issue a license upon application to any person qualified under sections 326.32 to 326.339 and under the rules of the board to engage in the business of private detective or protective agent. The license shall remain effective for two years as long as the license holder complies with sections 326.32 to 326.339, the laws of Minnesota, and the rules of the board. Upon receipt of an application for private detective or protective agent license, the board shall:

(1) post notice of the application in its office for a period of 20 days, and notify all persons who have requested notification of applications;

(2) conduct an investigation as it considers necessary to determine the qualifications of the applicant, qualified representative, Minnesota manager, and, if appropriate, a corporate officer; and

(3) notify the applicant of the date on which the board will conduct a review of the license application.

Subd. 3. **Disqualification.** (a) 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; carjacking; 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.

(b) Upon application for a license, the applicant shall submit, as part of the application, a full set of fingerprints and the applicant's written consent that their fingerprints shall be submitted to the Bureau of Criminal Apprehension (BCA) and the Federal Bureau of Investigation (FBI) to determine whether that person has a criminal record. The BCA shall promptly forward the fingerprints to the FBI and request that the FBI conduct a criminal history check of each prospective licensee. The Minnesota Board of Private Detective and Protective Agents Services shall determine if the FBI report indicates that the prospective licensee or licensee was convicted of a disqualifying offense. The submission to the FBI shall be coordinated through the BCA. The results of the criminal record check shall be provided to the board who will determine if the applicant is disqualified from holding a license under this subdivision.

Subd. 4. **Business entity applicant.** If the applicant for a license is a corporation, the chief executive officer, the chief financial officer, the qualified representative, and the Minnesota manager, if one exists, of that corporation must meet the licensing requirements in sections 326.32 to 326.339, including the requirements of subdivision 3, paragraph (b).

Subd. 5. **Nonresident applicant.** If an applicant's home office is located outside of Minnesota, and the applicant establishes a Minnesota office, the applicant shall provide a manager for the Minnesota office who meets the licensing requirements in sections 326.32 to 326.339.

History: *1987 c 360 s 16; 1989 c 171 s 4,5; 2023 c 52 art 5 s 45; art 20 s 15; 2026 c 83 s 7,8*

326.3382 APPLICATION FOR LICENSE.

Subdivision 1. **Application form.** (a) Application for a private detective or protective agent license shall be made on a form prescribed by the board. Each applicant shall provide the following information:

(1) the full name, date of birth, and sex of each person signing the application, and the residences of those persons for the past five years;

(2) all past and present occupations and employers, length of employment, and the name, address, and telephone numbers of supervisors for all persons signing the application;

(3) the address or a description indicating the location of the place of business of the applicant;

(4) a statement indicating that each person signing the application has attained the age of 18;

(5) if the applicant is a corporation, the name of the corporation, the date and place of incorporation, and the location of its principal place of business or registered office in its state of incorporation; and

(6) further facts as may be required by the board to show the good character, competency, and integrity of each person signing the application.

(b) Each application shall be signed and acknowledged as follows:

(1) if the applicant is an individual, by the individual; or

(2) if the applicant is a corporation, by the chief executive officer, chief financial officer, and the qualified representative of the corporation. If the principal place of the applicant's business is outside Minnesota, the application shall also include the signature of the Minnesota manager.

Subd. 2. **Documents accompanying application.** (a) Each individual signing the application shall submit:

(1) references, on forms provided by the board, from five persons who have known the signer for at least five years, and who are not related by blood or marriage to the signer; and

(2) a recent photograph and a full set of fingerprints for each person signing the application.

(b) If the application is for a private detective license, the individual signing the application shall submit a statement under oath by a present or previous employer that the applicant for an individual license, the qualified representative for a partnership or corporate license, or the Minnesota manager, as appropriate, has been employed as an investigator for a minimum of 6,000 hours by any of the following:

(1) a licensed private detective agency;

(2) a United States government investigative service;

(3) a city police department or sheriff's office; or

(4) an occupation that, the board finds equivalent in scope, responsibility, and training to one of the specific occupations listed;

and has the qualifications established in the rules of the board.

(c) If the application is for a protective agent license, each person signing the application shall submit a statement under oath by a present or previous employer that the applicant for an individual license, the qualified representative for a partnership or corporate license, or the Minnesota manager has been employed as an investigator or protective agent for a minimum of 6,000 hours by any of the following:

(1) a licensed protective agent or licensed private detective, having gained experience in security systems, audits, and supervision;

(2) a United States government investigative service;

(3) a city police department or sheriff's office; or

(4) an occupation that the board finds equivalent in scope, responsibility, and training to one of the specific occupations listed;

and has the qualifications established in the rules of the board.

Subd. 3. **Proof of insurance.** (a) No license may be issued to a private detective or protective agent applicant until the applicant has complied with the requirements in this subdivision.

(b) The applicant shall execute a surety bond to the state of Minnesota in the penal sum of $10,000 and file it with the board. The surety bond must be executed by a company authorized to do business in the state of Minnesota, must name the applicant as principal, and must state that the applicant and each of the applicant's employees shall faithfully observe all of the laws of Minnesota and of the United States and shall pay all damages suffered by any person by reason of a violation of law by the applicant or by the commission of any willful and malicious wrong by the applicant in the course of business.

(c) The applicant shall furnish proof, acceptable to the board, of the applicant's ability to respond in damages for liability on account of accidents or wrongdoings arising out of the ownership and operation of a private detective or protective agent business. Compliance with paragraph (d), (e), or (f) is satisfactory proof of financial responsibility for purposes of this paragraph.

(d) The applicant may file with the board a certificate of insurance demonstrating coverage for general liability, completed operations, and personal injury. Personal injury insurance must include coverage for:

(1) false arrest, detention, imprisonment, and malicious prosecution;

(2) libel, slander, defamation, and violation of rights of privacy; and

(3) wrongful entry, eviction, and other invasion of rights of private occupancy.

In the event of a policy cancellation, the insurer will send notice to the board at the same time that a cancellation request is received from or a notice is sent to the insured.

(e) The applicant may file with the board an annual net worth statement, signed by a licensed certified public accountant, evidencing that the applicant has a net worth of at least the following:

(1) for an applicant with no employees, $10,000;

(2) for an applicant with one to ten employees, $15,000;

(3) for an applicant with 11 to 25 employees, $25,000;

(4) for an applicant with 26 to 50 employees, $50,000; or

(5) for an applicant with 51 or more employees, $100,000.

Data indicating with which of the above requirements an applicant must comply is public data. The contents of the net worth statement are private data on individuals or nonpublic data, as defined in section 13.02.

(f) The applicant may file with the board an irrevocable letter of credit from a financial institution acceptable to the board in the amount listed in the appropriate category in paragraph (e).

Subd. 4. **License disqualification.** Unlicensed activity will not be considered as legitimate experience for qualification in being licensed. An individual, a corporation, a qualified representative, or a Minnesota manager engaged in the business of a private detective or protective agent without a license issued by the board is prohibited from applying for licensing for a period of one year from the date of a finding of the violation.

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).

Subd. 6. **Temporary military license.** The board shall establish a temporary license to engage in the business of private detective or protective agent in accordance with section 197.4552. The fee for the temporary license under this subdivision for a private detective is $1,000. The fee for a temporary license under this subdivision for a protective agent is $800.

History: *1987 c 360 s 17; 2005 c 136 art 8 s 11; 2010 c 384 s 85; 2014 c 312 art 4 s 21; 2026 c 83 s 9,10*

326.3383 LICENSE REISSUANCE.

Subdivision 1. **Requirements.** The board shall reissue a private detective or protective agent license to a license holder without further board review, if the license holder who has complied with all applicable laws and rules:

(1) submits to the board an application for license reissuance on a form prescribed by the board;

(2) submits to the board a list of all current employees; and

(3) remits the expired license to the board.

Subd. 2. **Appearance.** Nothing in this section shall preclude the board from requiring the appearance of the license holder at a board meeting prior to the reissuance of the license.

Subd. 3. **Bond and proof of financial responsibility.** Each applicant for license reissuance shall maintain a $10,000 surety bond, and show proof of financial responsibility as required in section 326.3382, subdivision 3.

History: *1987 c 360 s 18*

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," "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.

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. 1b. **Acts prohibited during labor disputes, strikes, and lockouts.** (a) This subdivision applies to (1) a license holder or an employee of a license holder who is primarily performing the duties of a protective agent; or (2) a security guard who is primarily performing the duties of a security guard.

(b) A person described in paragraph (a) is prohibited from doing any of the activities described in clauses (1) to (5) during a labor dispute, strike, or lockout as defined in section 179.01, subdivisions 7, 8, and 9:

(1) inciting, encouraging, or aiding in the incitement or encouragement of any participant to do unlawful acts against the person or property of anyone;

(2) photographing a participant when neither that person nor the photographer is on the premises being protected by the persons described in paragraph (a);

(3) stopping or detaining any vehicle unless the vehicle is on premises being protected by the persons described in paragraph (a);

(4) conducting surveillance of participants, when neither the participant nor the person conducting the surveillance is on the premises being protected by the person described in paragraph (a), or of their businesses, or homes; or

(5) any other activities that are outside of the scope of the duties described in sections 326.32, subdivision 13, and 326.338, subdivision 4, and have the purpose of intimidating or provoking a participant.

Subd. 2. **Penalty.** (a) A person violating this section is guilty of a gross misdemeanor.

(b) The board shall suspend the license of a license holder for the periods described in paragraph (c) if the license holder or an employee of the license holder is convicted of a violation of subdivision 1b. The board shall prohibit an employee of a license holder from working for any license holder for the periods described in paragraph (c) if the employee is convicted of a violation of subdivision 1b.

(c) The periods described in paragraph (b) are as follows:

(1) 60 days for the first violation;

(2) six months for the second violation; and

(3) one year for the third violation.

History: *1987 c 360 s 19; 1989 c 171 s 6,7; 1990 c 485 s 3,4; 2005 c 10 art 2 s 4; 2005 c 136 art 11 s 16*

326.3385 CONDITIONS OF LICENSING.

Subdivision 1. **Notice of address change.** A license holder who moves to an address other than that given on the license certificate shall give written notice to the board within seven days of the move. The notice shall give the new address or location, the date the move was made, and be accompanied by the license, at which time a new license will be made showing the new address or location.

Subd. 2. **Notice of successor.** (a) A corporate license holder shall, within seven days of the death, resignation, or removal of a person signing the license application, give written notice to the board of the change and the name and address of the successor in the vacated position.

(b) Within seven days of the death, resignation, or removal of a person signing the license application for a corporate license holder, the successor qualified representative, Minnesota manager, chief executive officer, or chief financial officer who shall qualify under the same procedure and criteria must submit the documents required, as for an original application.

Subd. 3. **Surrender of license.** Every license issued to a license holder shall be surrendered to the board within seven days after its expiration, or upon notice to a license holder that a license has been revoked or suspended. If the license cannot be returned, a notarized statement indicating the circumstances shall be submitted to the board.

Subd. 4. **Penalty.** Failure to comply with the provisions of subdivision 1, 2, or 3 may result in the revocation or suspension of the license, or the imposition of an administrative penalty.

History: *1987 c 360 s 20; 2026 c 83 s 11*

326.3386 FEES.

Subdivision 1. **Application fee.** Each applicant for a private detective or protective agent license shall pay to the board a nonrefundable application fee, as determined by the board.

Subd. 2. **License fee.** Each applicant for a private detective or protective agent license shall pay to the board a license fee, as determined by the board. In the event that an applicant is denied licensing by the board, one-half of the license fee shall be refunded to the applicant.

Subd. 3. **Designation fee.** When a licensed private detective or protective agent who is a corporation desires to designate a new qualified representative or Minnesota manager, a fee equal to one-half of the license fee shall be submitted to the board.

Subd. 4. **Status fee.** At the time a licensed private detective or protective agent wishes to change a license status, as in the case of an individual license holder establishing a corporation, the difference between the individual license fee and the corporate license fee shall be paid to the board.

Subd. 5. **Reissuance fee.** License holders seeking license reissuance shall pay to the board a license reissuance fee as determined by the board.

Subd. 6. **Business or division fee.** If a private detective or protective agent license holder wishes to add additional business names or corporate division names to an existing license, the license holder shall be required to pay a fee as determined by the board.

Subd. 6a. **Training course certification fee.** An applicant for training course certification, as specified in section 326.3361, shall pay to the board a course certification fee determined by the board.

Subd. 6b. **Training course recertification fee.** An applicant for training course recertification shall pay to the board a course recertification fee determined by the board.

Subd. 7. **Rules.** All fees authorized by this section shall be established by rule by the board. All fees paid to the board shall be paid to the general fund. The cost of administering sections 326.32 to 326.339, shall be paid from appropriations made to the board.

History: *1987 c 360 s 21; 1997 c 239 art 8 s 25-27; 2026 c 83 s 12*

326.3387 DISCIPLINARY ACTION.

Subdivision 1. **Basis for action.** (a) The board may revoke or suspend or refuse to issue or reissue a private detective or protective agent license if:

(1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted under those sections;

(2) the license holder has engaged in fraud, deceit, or misrepresentation while in the business of private detective or protective agent;

(3) the license holder has made a false statement in an application submitted to the board or in a document required to be submitted to the board;

(4) the license holder violates an order of the board; or

(5) the individual or entity previously operated without a license.

(b) The board must revoke or suspend or refuse to issue or reissue a protective agent license if the license holder provides guards or other security personnel to transport prisoners or any other person arrested on a warrant and the board determines that the license holder or any employee or agent of the license holder committed an act in any place that, if committed in Minnesota, would constitute criminal sexual conduct against a person being transported or committed an act in any place that involved the unreasonable use of force on a person being transported.

Subd. 2. **Hearing required.** The board may impose the following penalties only after a contested case hearing under chapter 14:

(1) revoke or suspend a private detective or protective agent license; or

(2) impose an administrative penalty in excess of $500.

History: *1987 c 360 s 22; 2023 c 52 art 10 s 7; 2024 c 123 art 5 s 14*

326.3388 ADMINISTRATIVE PENALTIES.

The board shall, by rule, establish a graduated schedule of administrative penalties for violations of sections 326.32 to 326.339 or the board's rules. The schedule must include minimum and maximum penalties for each violation and be based on and reflect the culpability, frequency, and severity of the violator's actions. The minimum penalty for an act described in section 326.3387, subdivision 1, paragraph (b), must be $10,000 for each act. The board may impose a penalty from the schedule on a license holder for a violation of sections 326.32 to 326.339 or the rules of the board. The penalty is in addition to any criminal penalty imposed for the same violation. Administrative penalties imposed by the board must be paid to the general fund.

History: *1987 c 360 s 23; 2024 c 123 art 5 s 15*

326.3389 LICENSES NONTRANSFERABLE.

A license issued under sections 326.32 to 326.339 may not be transferred.

History: *1987 c 360 s 24*

326.339 VIOLATIONS; PENALTY.

Unless otherwise specifically provided any violation of any provision or requirement of sections 326.32 to 326.339 is a gross misdemeanor.

History: *1945 c 130 s 10; 1974 c 310 s 10; 1987 c 360 s 25*

326.34 [Repealed, 1945 c 130 s 1]

326.35 [Repealed, 1945 c 130 s 1]

326.36 [Repealed, 1945 c 130 s 1]

326.37 Subdivision 1. MS 2006 [Renumbered 326B.43, subdivision 1]

Subd. 1a. MS 2006 [Renumbered 326B.43, subd 2]

Subd. 1b. MS 2006 [Renumbered 326B.43, subd 3]

Subd. 2. MS 2006 [Renumbered 326B.43, subd 4]

Subd. 3. MS 2006 [Renumbered 326B.43, subd 5]

Subd. 4. MS 2006 [Renumbered 326B.43, subd 6]

326.3705 Subdivision 1. MS 2006 [Renumbered 326B.435, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.435, subd 2]

Subd. 3. MS 2006 [Renumbered 326B.435, subd 3]

Subd. 4. MS 2006 [Renumbered 326B.435, subd 4]

Subd. 5. MS 2006 [Renumbered 326B.435, subd 5]

Subd. 6. MS 2006 [Renumbered 326B.435, subd 6]

Subd. 6a. MS 2006 [Renumbered 326B.435, subd 7]

Subd. 7. MS 2006 [Renumbered 326B.435, subd 8]

Subd. 8. MS 2006 [Renumbered 326B.435, subd 9]

Subd. 9. MS 2006 [Renumbered 326B.435, subd 10]

326.371 MS 2006 [Renumbered 326B.439]

326.372 [Repealed, 2008 c 337 s 65]

326.38 MS 2006 [Renumbered 326B.44]

326.39 MS 2006 [Renumbered 326B.45]

326.40 Subdivision 1. MS 2006 [Renumbered 326B.46, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.46, subd 2]

Subd. 3. MS 2006 [Renumbered 326B.46, subd 3]

Subd. 4. [Repealed, 2007 c 140 art 13 s 3]

Subd. 5. MS 2006 [Renumbered 326B.46, subd 4]

Subd. 6. MS 2006 [Renumbered 326B.46, subd 5]

326.401 MS 2006 [Renumbered 326B.47]

326.402 MS 2006 [Renumbered 326B.475]

326.405 MS 2006 [Renumbered 326B.48]

326.41 [Repealed, 2007 c 133 art 2 s 13; 2007 c 140 art 13 s 3]

326.42 MS 2006 [Renumbered 326B.49]

326.43 [Repealed, 1993 c 206 s 25]

326.44 [Repealed, 2007 c 135 art 2 s 40; 2007 c 140 art 13 s 3]

326.45 [Repealed, 2007 c 135 art 3 s 42; 2007 c 140 art 13 s 3]

326.46 MS 2006 [Renumbered 326B.90]

326.461 Subdivision 1. MS 2006 [Renumbered 326B.91, subdivision 1]

Subd. 1a. MS 2006 [Renumbered 326B.91, subd 2]

Subd. 1b. MS 2006 [Renumbered 326B.91, subd 3]

Subd. 2. MS 2006 [Renumbered 326B.91, subd 4]

Subd. 2a. MS 2006 [Renumbered 326B.91, subd 5]

Subd. 2b. MS 2006 [Renumbered 326B.91, subd 6]

Subd. 3. MS 2006 [Renumbered 326B.91, subd 7]

Subd. 4. MS 2006 [Renumbered 326B.91, subd 8]

326.47 Subdivision 1. MS 2006 [Renumbered 326B.92, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.92, subd 2]

Subd. 3. [Repealed, 1995 c 123 s 9]

Subd. 4. [Repealed, 1995 c 123 s 9]

Subd. 5. [Repealed, 2007 c 140 art 13 s 3]

Subd. 6. MS 2006 [Renumbered 326B.92, subd 3]

326.471 [Repealed, 2008 c 337 s 65]

326.48 Subdivision 1. MS 2006 [Renumbered 326B.921, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.921, subd 2]

Subd. 2a. MS 2006 [Renumbered 326B.921, subd 3]

Subd. 2b. MS 2006 [Renumbered 326B.921, subd 4]

Subd. 3. MS 2006 [Renumbered 326B.921, subd 5]

Subd. 4. MS 2006 [Renumbered 326B.921, subd 6]

Subd. 5. MS 2006 [Renumbered 326B.921, subd 7]

Subd. 6. MS 2006 [Renumbered 326B.921, subd 8]

326.49 [Repealed, 1984 c 481 s 8]

326.50 MS 2006 [Renumbered 326B.922]

326.505 MS 2006 [Renumbered 326B.925]

326.51 [Repealed, 2007 c 140 art 13 s 3]

326.52 [Repealed, 2007 c 135 art 2 s 40; 2007 c 140 art 13 s 3]

326.521 [Repealed, 2007 c 140 art 13 s 3]

MOTION PICTURE FILM EXHIBITORS

326.523 LICENSE PROVISIONS; DISTRIBUTION; CANCELLATION.

No distributor shall hereafter license feature motion picture films to an exhibitor to be exhibited, shown or performed in this state unless the license provides:

(1) that all the feature motion picture films, which such distributor will license during the exhibition season, or the unexpired portion thereof, shall be included: the term "all the feature motion picture films" applies to each producer for whom the distributor is acting; and

(2) that the exhibitor shall have the right to cancel a minimum of 20 percent of the total number of feature motion pictures included in such license where the exhibitor deems the same injurious and damaging to business or offensive on moral, religious, or racial grounds.

The cancellation shall be made proportionately among the several price brackets, if there be such price brackets in the license agreement. Any number of cancellations to which an exhibitor is entitled, may be made the lowest price bracket at the exhibitor's option.

The right to cancellation shall not be effective, unless the exhibitor exercises such right by giving notice thereof, to the distributor, by certified mail, within 15 days after being notified of the availability of a feature motion picture. In determining the number of feature motion pictures that may be canceled, fractions of one-half or more shall be counted as one and fractions of less than one-half shall not be counted.

History: *1941 c 460 s 2; 1978 c 674 s 60; 1986 c 444*

326.524 LICENSES MAY NOT CONTAIN CERTAIN RESTRICTIONS.

No distributor shall license feature motion picture films to an exhibitor to be exhibited, shown, or performed in this state, upon the condition that the exhibitor must also license short subjects, newsreels, trailers, serials, reissue, foreign, and western motion picture films.

History: *1941 c 460 s 3*

326.525 LICENSES, WHEN VOID.

Any provision of any license hereafter made and entered into which is contrary to any provisions of sections 326.523 to 326.526 and 326.01, subdivisions 14 to 19, is hereby declared to be against public policy and void.

History: *1941 c 460 s 4*

326.526 APPLICATION OF SECTIONS 326.523 TO 326.526.

The provisions of sections 326.523 to 326.526 and 326.01, subdivisions 14 to 19, shall not apply to the licensing of motion picture films to any school, college, university, church, or any educational, fraternal, or religious organizations in this state.

History: *1941 c 460 s 7*

326.53 VIOLATIONS; PENALTY PROVISIONS.

Subdivision 1. **Generally.** (1) Any violation of chapter 326A is a gross misdemeanor.

(2) Every person violating any of the provisions of sections 326.523 to 326.526, or assisting in such violation, shall, upon conviction thereof, be punished by a fine not exceeding $3,000 or, in default of the payment of such fine, by imprisonment in the county jail for not more than 364 days. In the case of a corporation, the violation of these sections shall be deemed to be also that of the individual directors, officers, or agents of such corporation who have assisted in such violation, or who have authorized, ordered, or done the acts or omissions constituting, in whole or in part, such violation; and, upon conviction thereof, any such directors, officers, or agents shall be punished by fine or imprisonment as herein provided.

Subd. 2. [Repealed, 1993 c 206 s 25]

Subd. 3. [Renumbered 326.547]

History: *(5697-12, 5705, 5886, 5887-27, 5887-30i) 1907 c 457 s 7; 1909 c 439 s 8; 1921 c 523 s 12; 1933 c 349 s 9; 1933 c 404 s 3; 1937 c 367 s 10; 1941 c 460 s 5; 1945 c 380 s 9; Ex1967 c 1 s 6; 1977 c 305 s 45; 1984 c 628 art 3 s 11; 1992 c 542 s 4; 2001 c 109 art 2 s 5; 2023 c 52 art 6 s 16*

326.54 [Repealed, 1983 c 293 s 115]

326.541 [Repealed, 1983 c 293 s 115]

326.542 [Repealed, 1983 c 293 s 115]

326.543 [Repealed, 1983 c 293 s 115]

326.544 [Repealed, 1983 c 293 s 115]

326.545 [Repealed, 1983 c 293 s 115]

326.546 [Repealed, 1983 c 293 s 115]

326.547 [Repealed, 1983 c 293 s 115]

MEMBERS OF ARMED FORCES

326.55 NONPAYMENT OF LICENSE FEES.

Subdivision 1. **Definitions.** As used in this section:

(1) "Employment essential to the prosecution of the present war and to the national defense" means employment by the United States of America, any of its agencies, or any contractor under the United States of America, or subcontractor under such contractor, in work connected with the prosecution of the present war or for the defense of the United States of America and others of the United Nations during such war.

(2) "Outside of the United States" means outside of the territorial limits of the 50 states of the United States and the District of Columbia.

Subd. 2. **Members of armed forces need not pay license fees.** Any person required by law to be licensed or registered in order to carry on or practice a trade, employment, occupation or profession in the state of Minnesota who is also required by law to renew the license or certificate of registration at stated intervals and to pay a fee for such renewal on or before a specified date, or be subject to revocation of the license or certificate or other penalties, who has since the enactment by the Congress of the United States of the Selective Service and Training Act of 1940 entered, or shall hereafter enter, the armed forces of the United States of America, or who has since the enactment of said act been engaged, or shall hereafter be engaged, in employment, outside of the United States, essential to the prosecution of the present war and to the national defense, whose license or certificate of registration was effective at the time of entry into the armed forces or engagement in the employment aforesaid, is hereby exempted from the payment of all renewal fees and from the filing of any application for renewal, which but for this section would have been required as a condition of the renewal of the license or certificate, during the time the person has been in such armed forces or in such employment, and from any penalties for nonpayment or late payment, and is hereby exempted from further payment of such renewal fees and from the making of any application for renewal during the period the person shall remain in such armed forces or is engaged in such employment, and for

a further period of six months from discharge from the armed forces, if a member thereof, or from the date of return within the boundaries of the United States if engaged in the employment hereinbefore referred to. The license or certificate in the meantime shall remain in full force and effect, and if it has been canceled or revoked since the date of the enactment of the Selective Service and Training Act of 1940 solely on the ground of nonpayment of renewal fees, or failure to apply for a renewal, it shall be reinstated upon the application of the licensee or registrant or any one on the licensee's or registrant's behalf without the payment of any penalties or costs. Any such person may within six months from the date of release from the armed forces of the United States, if the person has been a member of such armed forces, or from the date of return within the boundaries of the United States if the person has been engaged in employment hereinbefore referred to, make application for a renewal of the license or certificate without penalty and in the same manner as if the person had made application therefor at the time or times specified by existing laws.

History: *1943 c 121; 1965 c 45 s 52; 1986 c 444*

326.56 LICENSES, CERTIFICATES OF REGISTRATION; RENEWALS.

Subdivision 1. **Definitions.** For the purposes of this section the terms defined in this subdivision shall have the meanings ascribed to them.

(1) "Active military service" has the meaning given in section 190.05, subdivision 5.

(2) "Employment essential to the prosecution of a war or to the national defense" means employment by the federal government of the United States of America, or any of its agencies, or by a federal government contractor or subcontractor in work connected with the prosecution of a war or for the defense of the United States or its allies.

(3) "Outside of the United States" means outside of the territorial limits of the 50 states of the United States and the District of Columbia.

Subd. 2. **License or registration, renewal; exemption for military service.** (a) Notwithstanding any other provision of statutes, any person required by law to be licensed or registered by the state of Minnesota in order to carry on or practice a trade, employment, occupation or profession within this state who is also required by law to renew the license or certificate of registration at stated intervals and to pay a fee for such renewal on or before a specified date, or be subject to revocation of the license or certificate or other penalties, and who has been ordered into active military service, or who has been engaged, or shall hereafter be engaged, in employment outside of the United States essential to the prosecution of a war or to the national defense, whose license or certificate of registration was effective at the time of the person's entry into active military service or engagement in the employment, is hereby exempted from the payment of all renewal fees and from the filing of any application for renewal, which but for this section would have been required as a condition of the renewal of the license or certificate, during the time the person has been in active military service or that employment, and from any penalties for nonpayment or late payment, and is hereby exempted from further payment of such renewal fees and from the making of any application for renewal during the period the person shall remain in active military service or the employment, and for six months thereafter. The license or certificate in the meantime shall remain in full force and effect, and if it has been canceled or revoked solely on the basis of nonpayment of renewal fees or failure to apply for a renewal, it shall be reinstated upon the application of the licensee or registrant or by anyone on the person's behalf without the payment of any penalties or costs. Any such person may within six months from the date of release from active military service, or from the date of return within the boundaries of the United States if the person has been engaged in the essential employment, make application for a renewal of the license or certificate without penalty and in the same manner as if the person had made application therefor at the time or time

specified by existing laws, irrespective of whether the license or certificate has expired or is due to expire within that time period.

(b) The phrase "license or certificate of registration" in paragraph (a) includes, but is not limited to, a license or certificate of registration for a trade, employment, occupation, or profession for which the state requires firearms and use of force training. Any compensatory job-related education or training considered necessary by the licensee's or registrant's employer must be provided and paid for by the employer and must not be permitted to delay the licensee's or registrant's reemployment.

History: *1951 c 301 s 1, 2; 1965 c 45 s 53; 1986 c 444; 2006 c 273 s 10; 2007 c 51 s 1*

326.57 MS 2006 [Renumbered 326B.52]

326.58 MS 2006 [Renumbered 326B.53]

326.59 MS 2006 [Renumbered 326B.54]

326.60 MS 2006 [Renumbered 326B.55]

326.601 MS 2006 [Renumbered 326B.56]

326.61 Subdivision 1. MS 2006 [Renumbered 326B.50, subd 3]

Subd. 2. MS 2006 [Renumbered 326B.50, subd 4]

Subd. 3. MS 2006 [Renumbered 326B.57]

Subd. 4. MS 2006 [Renumbered 326B.50, subd 2]

326.62 MS 2006 [Renumbered 326B.58]

326.63 [Repealed, 1993 c 206 s 25]

326.64 [Repealed, 2007 c 135 art 2 s 40; 2007 c 140 art 13 s 3]

326.65 MS 2006 [Renumbered 326B.59]

326.66 [Repealed, 1988 c 629 s 64]

ASBESTOS ABATEMENT ACT

326.70 TITLE.

Sections 326.70 to 326.81 may be cited as the "Asbestos Abatement Act."

History: *1987 c 303 s 1; 1990 c 594 art 3 s 16*

326.71 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to sections 326.70 to 326.81.

Subd. 2. **Asbestos.** "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite, and actinolite.

Subd. 3. **Asbestos-containing material.** "Asbestos-containing material" means material that contains more than one percent asbestos by microscopic visual estimation by area.

Subd. 4. **Asbestos-related work.** "Asbestos-related work" means the enclosure, removal, or encapsulation of asbestos-containing material in a quantity that meets or exceeds 260 linear feet of friable asbestos-containing material on pipes, 160 square feet of friable asbestos-containing material on other facility components, or, if linear feet or square feet cannot be measured, a total of 35 cubic feet of friable asbestos-containing material on or off all facility components in one facility. In the case of single or multifamily residences, "asbestos-related work" also means the enclosure, removal, or encapsulation of greater than ten but less than 260 linear feet of friable asbestos-containing material on pipes, greater than six but less than 160 square feet of friable asbestos-containing material on other facility components, or, if linear feet or square feet cannot be measured, greater than one cubic foot but less than 35 cubic feet of friable asbestos-containing material on or off all facility components in one facility. Asbestos-related work includes asbestos abatement area preparation; enclosure, removal, or encapsulation operations; and an air quality monitoring specified in rule to assure that the abatement and adjacent areas are not contaminated with asbestos fibers during the project and after completion.

For purposes of this subdivision, the quantity of asbestos-containing material applies separately for every project.

Subd. 4a. **Asbestos inspector.** "Asbestos inspector" means an individual who inspects a site for the presence and condition of asbestos-containing material, or who reinspects a site to assess the condition of previously identified asbestos-containing material or the presence of other asbestos-containing material.

Subd. 4b. **Asbestos management activity.** "Asbestos management activity" means the performance of periodic inspections to determine the existence and condition of asbestos-containing material, the development of site specific written programs for the maintenance of asbestos-containing material in a condition which prevents the release of asbestos fibers, the development of site specific written programs governing response procedures in the event of an asbestos fiber release episode, and the development of project specifications for asbestos-related work projects.

Subd. 4c. **Asbestos management planner.** "Asbestos management planner" means an individual who develops a written site specific asbestos-containing material maintenance plan and a written site specific asbestos fiber release episode response plan addressing asbestos-containing material at the site.

Subd. 4d. **Asbestos project designer.** "Asbestos project designer" means an individual who designs the asbestos-related work project specifications.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of health.

Subd. 6. **Contracting entity.** "Contracting entity" means a public or private body, board, natural person, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity that contracts with a person to do asbestos-related work or asbestos management activity for the benefit of the contracting entity.

Subd. 7. [Repealed, 1993 c 303 s 21]

Subd. 8. **Person.** "Person" means an individual, body, board, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity. This term also applies to the state, its political subdivisions, and any boards, commissions, schools, institutions, or authorities created or recognized by them.

History: *1987 c 303 s 2; 1990 c 594 art 3 s 16; 1993 c 303 s 1-9; 1994 c 567 s 19; 1995 c 165 s 12; 1995 c 185 s 6; 1997 c 205 s 32,33; 1Sp1997 c 5 s 1; 2021 c 30 art 3 s 44*

326.72 ASBESTOS LICENSE.

Subdivision 1. **When license required.** Any person performing any asbestos-related work within the state must be licensed by the commissioner, whether directly performing asbestos work or causing it to be performed through subcontracting or similar delegation. A domiciled owner of a single-family residence is not required to hold a license or pay a project permit fee to conduct asbestos-related work in the domiciled residence.

Subd. 2. **Display of license.** Licensees shall post a project permit, obtained from the commissioner after compliance with the provisions of section 326.74 and rules promulgated under section 326.78, in a conspicuous place outside of the asbestos work area. The actual license or a copy shall be readily available at the work site for inspection by the commissioner, other public officials charged with the health, safety, and welfare of the state's citizens, and the contracting entity.

History: *1987 c 303 s 3; 1993 c 303 s 10; 1997 c 205 s 34; 1Sp2025 c 3 art 1 s 89*

326.73 ASBESTOS CERTIFICATIONS.

Subdivision 1. **Asbestos-related work certification.** Before an individual performs asbestos-related work, the individual shall first obtain a certificate from the commissioner certifying that the individual is qualified to perform the work. No certificate shall be issued unless the individual has shown evidence of training or experience in the general commercial construction trades, has taken a course of training in asbestos control and removal, passed an examination in those subjects, and demonstrated to the commissioner the ability to perform asbestos-related work safely in accordance with the current state-of-the-art technology. The commissioner shall specify the course of training necessary. The certificate issued by the commissioner shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and contain the name and address of the individual to whom it is issued. The certificate shall be carried by the individual and be readily available for inspection by the commissioner, other public officials charged with the health, safety, and welfare of the state's citizens, and the contracting entity.

Subd. 2. **Asbestos inspector certification.** Before an individual performs an asbestos inspection, the individual shall first obtain a certificate from the commissioner. The commissioner shall issue an asbestos inspector certificate to an individual who has shown evidence of completion of training on asbestos inspection specified by the commissioner in rule, passed an examination in that subject, and has shown evidence of experience as required by rule. The certificate issued by the commissioner shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and contain the name and address of the individual to whom it is issued.

Subd. 3. **Asbestos management planner certification.** Before an individual develops an asbestos management plan, the individual shall first obtain a certificate from the commissioner. The commissioner shall issue an asbestos management planner certificate to an individual who has shown evidence of completion of training on asbestos management plan development specified by the commissioner in rule, passed an examination in that subject, and has shown evidence of experience as required by rule. The certificate issued by the commissioner shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and contain the name and address of the individual to whom it is issued.

Subd. 4. **Asbestos project designer certification.** Before an individual designs an asbestos-related work project, the individual shall first obtain a certificate from the commissioner. The commissioner shall issue an asbestos project designer certificate to an individual who has shown evidence of completion of training on asbestos project design specified by the commissioner in rule, passed an examination in that subject, and has shown evidence of experience as required by rule. The certificate issued by the commissioner shall be

in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and contain the name and address of the individual to whom it is issued.

History: *1987 c 303 s 4; 1988 c 689 art 2 s 233; 1993 c 303 s 11*

326.74 REPORTING ASBESTOS WORK.

Written notice shall be given to the commissioner of an asbestos-related work project by the person holding the license issued under section 326.72, subdivision 1. Unless the project is an emergency project, the notice shall be given to the commissioner at least five calendar days before the project begins. The notice shall contain the following information:

(1) a brief description of the work to be performed;

(2) the name of the contracting entity;

(3) the location and address of the project work site;

(4) the approximate duration of the project;

(5) the approximate amount of the asbestos involved in the project;

(6) the name of any project manager; and

(7) other information required by the commissioner.

History: *1987 c 303 s 5; 1993 c 303 s 12; 1997 c 205 s 35*

326.75 FEES.

Subdivision 1. **Licensing fee.** A person required to be licensed under section 326.72 shall, before receipt of the license and before causing asbestos-related work to be performed, pay the commissioner an annual license fee of $105.

Subd. 2. **Certification fee.** An individual required to be certified as an asbestos worker or asbestos site supervisor under section 326.73, subdivision 1, shall pay the commissioner a certification fee of $52.50 before the issuance of the certificate. An individual required to be certified as an asbestos inspector, asbestos management planner, or asbestos project designer under section 326.73, subdivisions 2, 3, and 4, shall pay the commissioner a certification fee of $105 before the issuance of the certificate.

Subd. 3. **Permit fee.** Five calendar days before beginning asbestos-related work, a person shall pay a project permit fee to the commissioner equal to three percent of the total costs of the asbestos-related work. For asbestos-related work performed in single or multifamily residences, of greater than ten but less than 260 linear feet of asbestos-containing material on pipes, or greater than six but less than 160 square feet of asbestos-containing material on other facility components, a person shall pay a project permit fee of $35 to the commissioner.

Subd. 3a. **Asbestos-related training course permit fee.** A training course provider shall pay the commissioner a fee of $500 on application for a training course permit and $250 for the renewal of a permit of each asbestos-related training course required for certification or registration.

Subd. 4. **Deposit of fees.** Fees collected under this section shall be deposited in the state government special revenue fund.

History: *1987 c 303 s 6; 1990 c 594 art 3 s 13; 1993 c 303 s 13; 1Sp1993 c 1 art 9 s 73; 1994 c 567 s 20; 1995 c 165 s 13; 2021 c 30 art 3 s 45-47; 1Sp2025 c 3 art 1 s 90,91*

326.76 DUTIES OF CONTRACTING ENTITIES.

A contracting entity intending to have asbestos-related work or asbestos management activity performed for its benefit shall include in the specifications and contracts for the work a requirement that the work be performed by contractors and subcontractors licensed or certified by the commissioner under sections 326.70 to 326.81 and in accordance with rules prescribed by the commissioner related to asbestos-related work and asbestos management activity. No contracting entity shall allow asbestos-related work or asbestos management activity to be performed for its benefit unless it has seen that the person has a valid license or certificate. A contracting entity's failure to comply with this section does not relieve a person from any responsibilities under sections 326.70 to 326.81.

History: *1987 c 303 s 7; 1990 c 594 art 3 s 16; 1993 c 303 s 14; 1997 c 205 s 36*

326.77 INDOOR AIR STANDARD.

(a) The commissioner may adopt rules establishing an indoor air standard for asbestos.

(b) Until the rules become effective, asbestos remaining in the air following the completion of an abatement project shall not exceed .01 fibers greater than five microns in length per cubic centimeter of air.

History: *1987 c 303 s 8*

326.78 DUTIES OF COMMISSIONER.

Subdivision 1. **Rulemaking.** The commissioner shall adopt and begin enforcement of rules necessary to implement sections 326.70 to 326.81. The rules adopted shall not be duplicative of rules adopted by the commissioner of the Department of Labor and Industry. The rules shall include rules in the following areas:

(1) application, enclosure, removal, and encapsulation procedures;

(2) license and certificate qualification requirements;

(3) examinations for obtaining a license and certificate;

(4) training necessary for individual certification;

(5) qualifications for managers of asbestos-related work projects;

(6) asbestos-related work and asbestos management activity specifications;

(7) any contractor bonding and insurance requirements deemed necessary by the commissioner;

(8) license and certificate issuance and revocation procedures;

(9) suspension or revocation of licenses or certificates;

(10) license and certificate suspension and revocation criteria;

(11) cleanup standards;

(12) continuing education requirements; and

(13) other rules necessary to implement sections 326.70 to 326.81.

Subd. 2. **Issuance of licenses and certificates.** The commissioner may issue licenses to persons and certificates to individuals who meet the criteria in sections 326.70 to 326.81 and the commissioner's rules. Licenses shall be valid for 12 months. Certificates shall be valid for 12 months after the completion date on the approved training course diploma.

Subd. 3. **Delegation.** The commissioner may, in writing, delegate the inspection and enforcement authority granted in sections 326.70 to 326.81 to other state agencies regulating asbestos.

Subd. 4. [Repealed, 1993 c 206 s 25]

Subd. 5. **Subpoenas.** In matters under investigation by or pending before the commissioner under sections 326.70 to 326.81, the commissioner may issue subpoenas and compel the attendance of witnesses and the production of papers, books, records, documents, and other relevant evidentiary material. A person failing or refusing to comply with the subpoena or order may, upon application by the commissioner to the district court in any district, be ordered by the court to comply with the order or subpoena. The commissioner may also administer oaths and affirmations to witnesses. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person anywhere within the state by an officer authorized to serve subpoenas in civil actions, with the same fees and mileage costs paid, and in the manner as prescribed by law, for process of the state district courts. Fees and mileage and other costs of persons subpoenaed by the commissioner shall be paid in the manner prescribed for proceedings in district court.

Subd. 6. [Repealed, 1993 c 206 s 25]

Subd. 7. [Repealed, 1993 c 206 s 25]

Subd. 8. [Repealed, 1993 c 206 s 25]

Subd. 9. **Penalties.** A person who violates any of the requirements of sections 326.70 to 326.81 or any requirement, rule, or order issued under those sections is subject to a civil penalty of not more than $10,000 per day of violation. Penalties may be recovered in a civil action in the name of the state brought by the attorney general.

History: *1987 c 303 s 9; 1989 c 282 art 2 s 183; 1990 c 594 art 3 s 16; 1993 c 303 s 15; 1994 c 465 art 3 s 70; 1995 c 165 s 14,15; 1995 c 186 s 119; 1997 c 205 s 37*

326.785 ASBESTOS CONTAINMENT BARRIERS.

Notwithstanding Minnesota Rules, part 4620.3568, subparts 1 to 4, containment barriers, in the case of tunnel abatement enclosures, are limited to double critical barriers.

History: *1990 c 381 s 1; 1993 c 303 s 16; 1997 c 205 s 38*

326.79 [Repealed, 1993 c 206 s 25]

326.80 [Repealed, 1993 c 206 s 25]

326.81 DISCRIMINATION; SANCTIONS.

A person who discriminates against or otherwise sanctions an employee who complains to or cooperates with the commissioner in administering sections 326.70 to 326.81 is guilty of a misdemeanor.

History: *1987 c 303 s 12; 1990 c 594 art 3 s 16; 1993 c 303 s 19*

326.82 [Repealed, 1990 c 594 art 3 s 15]

326.83 Subdivision 1. MS 2006 [Renumbered 326B.802, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.802, subd 2]

Subd. 3. [Repealed, 2007 c 140 art 13 s 3]

Subd. 4. [Repealed, 2007 c 140 art 13 s 3]

Subd. 5. MS 2006 [Renumbered 326B.802, subd 3]

Subd. 6. MS 2006 [Renumbered 326B.802, subd 4]

Subd. 7. MS 2006 [Renumbered 326B.802, subd 5]

Subd. 8. MS 2006 [Renumbered 326B.802, subd 6]

Subd. 9. MS 2006 [Renumbered 326B.802, subd 7]

Subd. 10. MS 2006 [Renumbered 326B.802, subd 8]

Subd. 11. MS 2006 [Renumbered 326B.802, subd 9]

Subd. 12. [Repealed, 2007 c 140 art 13 s 3]

Subd. 13. [Repealed, 2007 c 140 art 13 s 3]

Subd. 14. MS 2006 [Renumbered 326B.802, subd 10]

Subd. 15. MS 2006 [Renumbered 326B.802, subd 11]

Subd. 16. MS 2006 [Renumbered 326B.802, subd 12]

Subd. 17. MS 2006 [Renumbered 326B.802, subd 13]

Subd. 18. MS 2006 [Renumbered 326B.802, subd 14]

Subd. 19. MS 2006 [Renumbered 326B.802, subd 15]

Subd. 20. MS 2006 [Renumbered 326B.802, subd 16]

Subd. 21. MS 2006 [Renumbered 326B.802, subd 17]

326.84 Subdivision 1. MS 2006 [Renumbered 326B.805, subdivision 1]

Subd. 1a. MS 2006 [Renumbered 326B.805, subd 2]

Subd. 1b. MS 2006 [Renumbered 326B.805, subd 3]

Subd. 1c. MS 2006 [Renumbered 326B.805, subd 4]

Subd. 1d. MS 2006 [Renumbered 326B.805, subd 5]

Subd. 2. [Repealed, 1993 c 245 s 40]

Subd. 3. MS 2006 [Renumbered 326B.805, subd 6]

326.841 MS 2006 [Renumbered 327B.041]

326.842 MS 2006 [Renumbered 326B.81]

326.85 [Repealed, 2007 c 140 art 13 s 3]

326.86 MS 2006 [Renumbered 326B.815]

326.87 MS 2006 [Renumbered 326B.821]

326.875 [Repealed, 2007 c 140 art 13 s 3]

326.88 MS 2006 [Renumbered 326B.825]

326.89 Subdivision 1. MS 2006 [Renumbered 326B.83, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.83, subd 2]

Subd. 3. MS 2006 [Renumbered 326B.83, subd 3]

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

Subd. 4. [Repealed by amendment, 2007 c 140 art 8 s 14]

Subd. 5. MS 2006 [Renumbered 326B.83, subd 4]

Subd. 6. MS 2006 [Renumbered 326B.83, subd 5]

Subd. 7. MS 2006 [Renumbered 326B.83, subd 6]

326.90 MS 2006 [Renumbered 326B.835]

326.91 Subdivision 1. MS 2006 [Renumbered 326B.84]

Subd. 2. [Repealed, 2007 c 140 art 13 s 3]

Subd. 3. [Repealed, 2007 c 140 art 13 s 3]

Subd. 4. [Repealed, 2007 c 140 art 13 s 3]

326.92 Subdivision 1. [Repealed by amendment, 2007 c 140 art 8 s 17]

Subd. 1a. MS 2006 [Renumbered 326B.845, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.845, subd 2]

Subd. 3. [Repealed by amendment, 2007 c 140 art 8 s 17]

326.921 MS 2006 [Renumbered 326B.85]

326.93 Subdivision 1. [Repealed by amendment, 2007 c 140 art 8 s 19]

Subd. 2. [Repealed by amendment, 2007 c 140 art 8 s 19]

Subd. 3. MS 2006 [Renumbered 326B.855, subdivision 1]

Subd. 4. MS 2006 [Renumbered 326B.855, subd 2]

Subd. 5. MS 2006 [Renumbered 326B.855, subd 3]

326.94 MS 2006 [Renumbered 326B.86]

326.945 [Repealed, 2007 c 140 art 13 s 3]

326.95 Subdivision 1. MS 2006 [Renumbered 326B.87, subdivision 1]

Subd. 2. MS 2006 [Renumbered 326B.87, subd 2]

Subd. 3. MS 2006 [Renumbered 326B.87, subd 3]

Subd. 4. [Repealed, 1996 c 439 art 4 s 6]

326.951 MS 2006 [Renumbered 326B.875]

326.96 MS 2006 [Renumbered 326B.88]

326.97 Subdivision 1. MS 2006 [Renumbered 326B.885, subdivision 1]

Subd. 1a. MS 2006 [Renumbered 326B.885, subd 2]

Subd. 2. MS 2006 [Renumbered 326B.885, subd 3]

Subd. 3. [Repealed, 1996 c 439 art 4 s 6]

Subd. 3. MS 2006 [Renumbered 326B.885, subd 4]

326.975 [Repealed, 2007 c 135 art 2 s 40; 2007 c 140 art 13 s 3]

326.98 [Repealed, 2007 c 140 art 13 s 3]

326.99 [Repealed, 1996 c 439 art 4 s 6]

326.991 Subdivision 1. MS 2004 [Expired]

Subd. 2. [Repealed, 2006 c 212 art 1 s 26]

326.992 MS 2006 [Renumbered 326B.197]