



MINNESOTA DEPARTMENT OF  
**LABOR & INDUSTRY**

THE LAWS AND RULES REGULATING LICENSING OF ELECTRICIANS AND  
INSPECTION OF ELECTRICAL INSTALLATIONS

Enforcement Minnesota Statutes Chapter 326B, sections 326B.081 to  
326B.085

Licensing

Minnesota Statutes Chapter 32GB, sections 32GB.091 to 32GB.099

Minnesota Electrical Act Minnesota Statutes Chapter 32GB,  
sections 326B.31 to 326B.399

Minnesota Board of Electricity  
Rules Minnesota Rules Chapter  
3800

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Industry Rules Minnesota Rules Chapter  
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OFFICE LOCATION

443 Lafayette Road North

Saint Paul, MN 55155

Phone (651) 284-5064

Fax (651)284-5743

TTY/MRS (800)342-5354

[www.dli.mn.gov](http://www.dli.mn.gov)

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Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

**ENFORCEMENT: Minnesota Statutes**  
**Sections 326B.081 to 326B.085**

326B.081 DEFINITIONS .....	10
Subd. 1. Application .....	10
Subd. 2. Administrative order .....	10
Subd. 3. Applicable law .....	10
Subd. 4. Document or documents .....	10
Subd. 5. Final .....	10
Subd. 6. Licensing order .....	10
Subd. 7. Minimum qualifications .....	10
Subd. 8. Stop order .....	10
326B.082 ENFORCEMENT .....	11
Subd. 1. Remedies available .....	11
Subd. 2. Access to information and property; subpoenas .....	12
Subd. 3. Service .....	12
Subd. 4. Fax transmission .....	12
Subd. 5. Time computation .....	12
Subd. 6. Notices of violation .....	12
Subd. 7. Administrative orders; correction; assessment of monetary penalties .....	13
Subd. 8. Hearings related to administrative orders .....	13
Subd. 9. Injunctive relief .....	14
Subd. 10. Stop orders .....	15
Subd. 11. Licensing orders; grounds; reapplication .....	16
Subd. 12. Issuance of licensing orders; hearings related to licensing orders .....	17
Subd. 13. Summary suspension .....	18
Subd. 14. Plan for assessing penalties .....	18
Subd. 15. Effect on other laws .....	18
Subd. 16. Misdemeanor penalties .....	18
Subd. 17. Revocation and suspension of license .....	18
326B.083 AMOUNT OF PENALTY; CONTENTS OF ADMINISTRATIVE AND LICENSING ORDERS .....	18
Subd. 1. Amount of penalty; considerations .....	18
Subd. 2. Contents of administrative order and licensing order .....	19
Subd. 3. Penalty .....	19
326B.084 FALSE INFORMATION .....	20
326B.085 RECOVERY OF LITIGATION COSTS AND EXPENSES .....	20

**LICENSING and FEES Minnesota**  
**Statutes Sections 326B.091 to 326B.099**

326B.091 DEFINITIONS .....	21
Subd. 1. Applicability .....	21
Subd. 2. Applicant .....	21
Subd. 2a. Applicant and related knowledge .....	21
Subd. 2b. Classroom hour .....	21
Subd. 2c. Instructor.....	21
Subd. 3. License.....	21
Subd. 4. Licensee.....	21
Subd. 4a. Medical hardship.....	21
Subd. 5. Notification date .....	21
Subd. 5a. Overpayment .....	21
Subd. 5b. Qualifying individual .....	21
Subd. 5c. Regulated industry .....	21
Subd. 6. Renewal deadline.....	21
Subd. 7. Sponsor.....	21
326B.092FEES.....	22
Subd. 1. Licenses requiring examination administered by commissioner .....	22
Subd. 2. Licenses not requiring examination administered by commissioner .....	22
Subd. 3. Late fee .....	22
Subd. 4. Lapsed licensed fee .....	22
Subd. 5. Insufficient fees .....	22
Subd. 6. Fees nonrefundable .....	22
Subd. 7. License fees and license renewal fees .....	23
326B.093 LICENSES REQUIRING EXAMINATION ADMINISTERED BY COMMISSIONER.....	24
Subd. 1. Qualifications for examination .....	24
Subd. 2. Not qualified for examination.....	24
Subd. 3. Taking the examination.....	24
Subd. 4. Examination results .....	24
326B.094 RENEWAL OF LICENSES .....	25
Subd. 1. Expiration of licenses .....	25
Subd. 2. Availability of renewal .....	25
Subd. 3. Deadline for avoiding license expiration.....	25
326B.095 INCOMPLETE LICENSE APPLICATIONS.....	25
326B.096 REINSTATEMENT OF LICENSES .....	26
Subd. 1. Reinstatement after revocation .....	26
Subd. 2. Reinstatement after suspension.....	26
Subd. 3. Reinstatement after voluntary termination.....	26

Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

326B.097 PROHIBITION OF TRANSFER..... 27

326B.098 CONTINUING EDUCATION .....27

    Subd. 1. Department seminars.....27

    Subd. 2. Rescheduling .....27

    Subd. 3. Fees nonrefundable .....27

326B.0981 CONTINUING EDUCATION; NONDEPARTMENT SEMINARS .....27

    Subd. 1. Nondepartment seminars .....27

    Subd. 2. Continuing education approval.....27

    Subd. 3. Content.....27

    Subd. 4. Internet continuing education .....29

    Subd. 5. Course approval .....30

    Subd. 6. Courses open to all .....31

    Subd. 7. Course tuition .....31

    Subd. 8. Facilities .....31

    Subd. 9. Supplementary materials .....31

    Subd. 10. Advertising courses..... 31

    Subd. 11. Notice to students.....32

    Subd. 12. Falsification of reports or certificates..... 32

    Subd. 13. Waivers and extensions..... 32

    Subd. 14. Reporting requirements..... 32

    Subd. 15. Continuing education fees .....32

    Subd. 16. Refunds .....33

    Subd. 17. Renewal of approval .....33

326B.099 CONTINUING EDUCATION; COURSES .....33

    Subd. 1. Course sponsor .....33

    Subd. 2. Responsibilities.....33

    Subd. 3. Instructors .....34

    Subd. 4. Prohibited practices for sponsors and instructors.....35

    Subd. 5. Audits .....35

**MINNESOTA ELECTRICAL ACT Minnesota**

**Statutes Sections 326B.31 to 326B.399**

326B.31 DEFINITIONS .....	37
Subd. 1. Scope .....	37
Subd. 2. Class A electrical contractor .....	37
Subd. 7. Class A installer.....	37
Subd. 8. Class A journeyman electrician.....	37
Subd. 9. Class A master electrician.....	38
Subd. 10. Class B electrical contractor .....	38
Subd. 11. Class B installer.....	38
Subd. 12. Class B journeyman electrician.....	38
Subd. 13. Class B master electrician.....	38
Subd. 14. Contractor .....	38
Subd. 15. Demarcation .....	38
Subd. 16. Direct supervision.....	38
Subd. 17. Electrical work .....	38
Subd. 18. Elevator constructor .....	38
Subd. 19. Elevator contractor .....	38
Subd. 20. Lineman .....	39
Subd. 21. Maintenance electrician.....	39
Subd. 22. Master elevator constructor .....	39
Subd. 23. Owner .....	39
Subd. 24. Personal license .....	39
Subd. 25. Power limited technician.....	39
Subd. 26. Process control circuits or systems.....	39
Subd. 27. Residential dwelling .....	39
Subd. 28. Responsible licensed individual .....	39
Subd. 29. Technology circuits or systems.....	40
Subd. 30. Technology system contractor .....	40
Subd. 31. Satellite broadcast communication system .....	40
Subd. 32. Satellite system installer.....	40
Subd. 33. Satellite system contractor.....	40
326B.32 BOARD OF ELECTRICITY .....	40
Subd. 1. Composition .....	40
Subd. 2. Powers; duties; administrative support .....	41
Subd. 3. Compensation .....	43
Subd. 4. Removal; vacancies .....	43
Subd. 5. Membership vacancies within three months of appointment .....	43
Subd. 6. Officers, quorum, voting .....	43
Subd. 7. Board meetings .....	44
Subd. 8. Complaints .....	45
Subd. 9. Data Practices Act.....	45
Subd. 10. Official records.....	45

Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

326B.33 LICENSES.....	46
Subd. 1. Master electrician.....	46
Subd. 2. Journeyman electrician .....	46
Subd. 3. Class A installer .....	47
Subd. 4. Class B installer .....	47
Subd. 5. Coursework or experience .....	47
Subd. 6. Bond .....	47
Subd. 7. Power limited technician .....	47
Subd. 7a. Satellite system installer .....	48
Subd. 8. Elevator constructor.....	48
Subd. 9. Lineman.....	48
Subd. 10. Maintenance electrician .....	49
Subd. 11. Master elevator constructor .....	49
Subd. 12. Unlicensed individuals.....	49
Subd. 13. Registration of unlicensed individuals .....	50
Subd. 14. Contractor's license required.....	50
Subd. 15. Bond required .....	50
Subd. 16. Insurance required .....	50
Subd. 17. Employment of master electrician or power limited technician .....	50
Subd. 18. Examination .....	51
Subd. 19. License, registration, and renewal fees; expiration .....	51
Subd. 20. Reciprocity .....	52
Subd. 21. Exemptions from licensing.....	53
 Wj 326B.34 ALARM AND COMMUNICATION SYSTEMS .....	 55
326B.35 SAFETY STANDARDS .....	55
326B.36 INSPECTION .....	56
Subd. 1. Required inspection .....	56
Subd. 2. Technology systems .....	56
Subd. 3. Licenses; bond .....	57
Subd. 4. Procedure .....	57
Subd. 5. Duty of electrical utility.....	58
Subd. 6. Powers of political subdivisions .....	58
Subd. 7. Exemptions from inspections .....	58
 326B.37 INSPECTION FEE SCHEDULE .....	 59
Subd. 1. Schedule.....	59
Subd. 2. Fee for each separate inspection .....	60
Subd. 3. Fee for service, generator, other power source, or feeder to separate structure .....	60
Subd. 4. Fee for circuit, feeder, feeder tap, or set of transformer secondary conductors.....	60
Subd. 5. Inspection fee for dwelling.....	60
Subd. 6. Addition to fees for subdivisions 3 to 5.....	61
Subd. 7. Investigation fee: work without electrical inspection request .....	62
Subd. 8. Reinspection fee .....	62
Subd. 9. Supplemental fee .....	62
Subd. 10. Special inspection.....	62

Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 11. Inspection of transitory project .....63  
Subd. 12. Negotiated fee ..... 63  
Subd. 13. Handling fee.....63  
Subd. 14. National Electrical Code used for interpretation of provisions ..... 63  
Subd. 15. Utility interconnected wind generation installations .....64

326B.38 MANUFACTURED ELECTRICAL PARTS; EXEMPTION ..... 64  
Subd. 1. Manufacturers..... 64  
Subd. 2. Electrical appliance units..... 64  
Subd. 3. Other units.....65  
Subd. 4. Other equipment..... 65

326B.399 CITATION ..... 65

**MINNESOTA RULES CHAPTER 3800  
REGULATION OF ELECTRICIANS  
As Adopted by the  
MINNESOTA BOARD OF ELECTRICITY**

LICENSING

3800.3500 Definitions .....66  
3800.3520 Examination; minimum experience requirements for licensure;  
acceptable experience.....67  
3800.3525 Registration of unlicensed individual ..... 73  
3800.3530 Requirements for securing and maintaining contractor's license .....74  
3800.3540 Designation of responsible master electrician or power limited technician on  
contractor's license application..... 76  
3800.3550 Designation of responsible master electrician, power limited technician, licensed  
maintenance electrician, or electrical engineer by an employer ..... 78  
3800.3560 Advertising restrictions ..... 78  
3800.3570 Marking of contractor's vehicles ..... 79  
3800.3600 Authority; purpose..... 79  
3800.3601 Definitions ..... 79  
3800.3602 Requirements for renewal of electrician and power limited technician license and  
renewal of registered unlicensed individual registration ..... 80  
3800.3603 Credit for instruction ..... 81



**MINNESOTA RULES CHAPTER 3801  
ELECTRICAL PROCEDURES AND TRAINING  
as adopted by the  
MINNESOTA DEPARTMENT of LABOR and INDUSTRY**

**REGULATION OF ELECTRICIANS**

3801.3610 Exclusive administrative remedy .....	83
3801.3619 Definitions.....	83
3801.3620 Approval of electrical equipment.....	83
3801.3770 Rough-in inspection of wiring to be concealed.....	86
3801.3780 Request for inspection certificates, notification for final inspection, and expiration..	86

**ELECTRICIAN TRAINING PROGRAMS**

3801.3820 Purpose .....	87
3801.3825 Definitions .....	87
3801.3830 Two-year electrical program .....	88
3801.3831 Power limited technician program.....	89
3801.3840 Application for program approval .....	89
3801.3845 Reporting and reapplication for approval .....	90
3801.3850 Removal of approval.....	90
3801.3855 Verification of completion.....	91
3801.3860 Two-year electrical program content .....	91
3801.3865 Qualifications of instructors for two-year programs .....	92
3801.3870 Effective date.....	93
3801.3880 Power limited technician program content.....	93
3801.3885 Qualifications of instructors for power limited technician programs.....	93

**ENFORCEMENT Minnesota Statutes Sections**

**326B.081 to 326B.085**

**326B.081 DEFINITIONS.**

Subdivision 1. **Application.** For purposes of sections 326B.081 to 326B.085, the terms defined in this section have the meanings given them.

Subd. 2. **Administrative order.** "Administrative order means an order issued under section 326B.082, subdivision 7.

Subd. 3. **Applicable law.** "Applicable law" means the provisions of sections 181.723, 325E.66, 327.31 to 327.36, this chapter, and chapter 341, and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted, issued, or enforced by the department under sections 181.723, 325E.66, 327.31 to 327.36, this chapter, or chapter 341.

Subd. 4. **Document or documents.** "Document" or "documents" includes papers; books; records; memoranda; data; contracts; drawings; graphs; charts; photographs; digital, video, and audio recordings; records; accounts; files; statements; letters; e-mails; invoices; bills; notes; and calendars maintained in any form or manner.

Subd. 5. **Final.** "Final" when used to describe any order issued under section 326B.082 means that:

(1) no request for hearing in connection with the order was filed in the manner and within the time provided by section 326B.082;

(2) all requests for hearing have been withdrawn;

(3) an agreement that resolves the order has been signed by all the parties; or

(4) after the filing of a request for hearing, an order has been issued by the commissioner, the Court of Appeals, or the Supreme Court, and all appeals have been pursued or forgone.

Subd. 6. **Licensing order.**

"Licensing order" means an order issued under section 326B.082, subdivision 12, paragraph (a).

Subd. 7. **Minimum qualifications.** "Minimum qualifications" means the educational, experience, fee, examination, application, and other eligibility requirements that an applicant must meet in order to obtain a license, registration, certificate, or permit under the applicable law. For an applicant that is not an individual, the minimum qualifications include the requirement that an employee or other individual associated with the applicant hold a license.

Subd. 8. **Stop order.** "Stop order" means an order issued under section 326B.082, subdivision 10.

History: 2007 c 140 art 3 s 1; 2012 c 248 s 2; 2012 c 295 art 2 s 12; 2013 c 85 art 2 s 4

### **326B.082 ENFORCEMENT.**

#### **Subdivision 1. Remedies available.**

The commissioner may enforce all applicable law under this section. The commissioner may use any enforcement provision in this section, including the assessment of monetary penalties, against a person required to have a license, registration, certificate, or permit under the applicable law based on conduct that would provide grounds for action against a licensee, registrant, certificate holder, or permit holder under the applicable law. The use of an enforcement provision in this section shall not preclude the use of any other enforcement provision in this section or otherwise provided by law.

**Subd. 2. Access to information and property; subpoenas.** (a) In order to carry out the purposes of the applicable law, the commissioner may:

(1) administer oaths and affirmations, certify official acts, interview, question, take oral or written statements, and take depositions;

(2) request, examine, take possession of, test, sample, measure, photograph, record, and copy any documents, apparatus, devices, equipment, or materials;

(3) at a time and place indicated by the commissioner, request persons to appear before the commissioner to give testimony and produce documents, apparatus, devices, equipment, or materials;

(4) issue subpoenas to compel persons to appear before the commissioner to give testimony and produce documents, apparatus, devices, equipment, or materials; and

(5) with or without notice, enter without delay upon any property, public or private, for the purpose of taking any action authorized under this subdivision or the applicable law, including obtaining information, remedying violations, or conducting surveys, inspections, or investigations.

(b) Persons requested by the commissioner to give testimony or produce documents, apparatus, devices, equipment, or materials shall respond within the time and in the manner specified by the commissioner. If no time to respond is specified in the request, then a response shall be submitted within 30 days of the commissioner's service of the request.

(c) Upon the refusal or anticipated refusal of a property owner, lessee, property owner's representative, or lessee's representative to permit the commissioner's entry onto property as provided in paragraph (a), the commissioner may apply for an administrative inspection order in the Ramsey County District Court or, at the commissioner's discretion, in the district court in the county in which the property is located. The commissioner may anticipate that a property owner or lessee will refuse entry if the property owner, lessee, property owner's representative, or lessee's representative has refused to permit entry on a prior occasion or has informed the commissioner that entry will be refused. Upon showing of administrative probable cause by the commissioner, the district court shall issue an administrative inspection order that compels the property owner or lessee to permit the commissioner to enter the property for the purposes specified in paragraph (a).

(d) Upon the application of the commissioner, a district court shall treat the failure of any person to obey a subpoena lawfully issued by the commissioner under this subdivision as a contempt of court.

Subd. 3. **Service.** Unless otherwise specified, service of a document on a person under this section or section 326B.083 may be by mail, by personal service, or in accordance with any consent to service filed with the commissioner. Service by mail shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 2. Personal service shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 3.

Subd. 4. **Fax transmission.** When this section or section 326B.083 permits a request for reconsideration or request for hearing to be served by fax on the commissioner, the fax shall not exceed 15 pages in length. The request shall be considered timely served if the fax is received by the commissioner, at the fax number identified by the commissioner in the order or notice of violation, no later than 4:30 p.m. central time on the last day permitted for faxing the request. Where the quality or authenticity of the faxed request is at issue, the commissioner may require the original request to be filed. Where the commissioner has not identified quality or authenticity of the faxed request as an issue and the request has been faxed in accordance with this subdivision, the person faxing the request does not need to file the original request with the commissioner.

Subd. 5. **Time computation.** In computing any period of time prescribed or allowed by this section, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or legal holiday.

Subd. 6. **Notices of violation.**

(a) The commissioner may issue a notice of violation to any person who the commissioner determines has committed a violation of the applicable law. The notice of violation must state a summary of the facts that constitute the violation and the applicable law violated. The notice of violation may require the person to correct the violation. If correction is required, the notice of violation must state the deadline by which the violation must be corrected.

(b) The commissioner shall issue the notice of violation by:

(1) serving the notice of violation on the property owner or on the person who committed the violation; or

(2) posting the notice of violation at the location where the violation occurred.

(c) If the person to whom the commissioner has issued the notice of violation believes the notice was issued in error, then the person may request reconsideration of the parts of the notice that the person believes are in error. The request for reconsideration must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the notice of violation by the tenth day after the commissioner issued the notice of violation. The date on which a request for reconsideration is served by mail shall be the postmark date on the envelope in which the request for reconsideration is mailed. If the person does not serve or fax a written request for reconsideration or if the person's written request for reconsideration is not served on or faxed to the commissioner by the tenth day after the commissioner issued the notice of violation, the notice of violation shall become a final order of the commissioner and will not be subject to review by any court or agency. The request for reconsideration must:

## **Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations**

- (1) specify which parts of the notice of violation the person believes are in error;
- (2) explain why the person believes the parts are in error; and
- (3) provide documentation to support the request for reconsideration.

The commissioner shall respond in writing to requests for reconsideration made under this paragraph within 15 days after receiving the request. A request for reconsideration does not stay a requirement to correct a violation as set forth in the notice of violation. After reviewing the request for reconsideration, the commissioner may affirm, modify, or rescind the notice of violation. The commissioner's response to a request for reconsideration is final and shall not be reviewed by any court or agency.

### **Subd. 7. Administrative orders; correction; assessment of monetary penalties.**

(a) The commissioner may issue an administrative order to any person who the commissioner determines has committed a violation of the applicable law. The commissioner shall issue the administrative order by serving the administrative order on the person. The administrative order may require the person to correct the violation, may require the person to cease and desist from committing the violation, and may assess monetary penalties. The commissioner shall follow the procedures in section 326B.083 when issuing administrative orders. Except as provided in paragraph (b), the commissioner may issue to each person a monetary penalty of up to \$10,000 for each violation of applicable law committed by the person. The commissioner may order that part or all of the monetary penalty will be forgiven if the person to whom the order is issued demonstrates to the commissioner by the 31st day after the order is issued that the person has corrected the violation or has developed a correction plan acceptable to the commissioner.

(b) The commissioner may issue an administrative order for failure to correct a violation by the deadline stated in a final administrative order issued under paragraph (a). Each day after the deadline during which the violation remains uncorrected is a separate violation for purposes of calculating the maximum monetary penalty amount.

(c) Upon the application of the commissioner, a district court shall find the failure of any person to correct a violation as required by a final administrative order issued by the commissioner under this subdivision as a contempt of court.

### **Subd. 8. Hearings related to administrative orders.**

(a) Within 30 days after the commissioner issues an administrative order or within 20 days after the commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the person to whom the administrative order or notice is issued may request an expedited hearing to review the commissioner's order or notice. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order or notice. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after the commissioner issues the administrative order or the 20th day after the commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date

on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order or notice. The person to whom the order or notice is issued and the commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order or notice is issued of the time and place of the hearing at least 15 days before the hearing. The expedited hearing must be held within 45 days after a request for hearing has been received by the commissioner unless the parties agree to a later date.

(b) Parties may submit written arguments if permitted by the administrative law judge. All written arguments must be submitted within ten days following the completion of the hearing or the receipt of any late-filed exhibits that the parties and the administrative law judge have agreed should be received into the record, whichever is later. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making findings of fact, conclusions of law, and a recommended order to the commissioner within 30 days following the completion of the hearing, the receipt of late-filed exhibits, or the submission of written arguments, whichever is later.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the department by the Office of Administrative Hearings for the hearing.

(e) If a hearing has been held, the commissioner shall not issue a final order until at least five days after the date of the administrative law judge's report. Any person aggrieved by the administrative law judge's report may, within those five days, serve written comments to the commissioner on the report and the commissioner shall consider and enter the comments in the record. The commissioner's final order shall comply with sections 14.61, subdivision 2, and 14.62, subdivisions 1 and 2a, and may be appealed in the manner provided in sections 14.63 to 14.69.

**Subd. 9. Injunctive relief.**

In addition to any other remedy provided by law, the commissioner may bring an action for injunctive relief in the Ramsey County District Court or, at the commissioner's discretion, in the district court in the county in which the commissioner has determined a violation of the applicable law has occurred or is about to occur to enjoin the violation. A temporary restraining order and other injunctive relief shall be granted by the district court if the court determines that a person has engaged in or is about to engage in an act, conduct, or practice constituting a violation of the applicable law. The commissioner shall not be required to show irreparable harm.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

### Subd. 10. **Stop orders.**

(a) If the commissioner determines based on an inspection or investigation that a person has violated or is about to violate the applicable law, the commissioner may issue to the person a stop order requiring the person to cease and desist from committing the violation.

(b) If the commissioner determines that a condition exists on real property that violates the applicable law, the commissioner may issue a stop order to the owner or lessee of the real property to cease and desist from committing the violation and to correct the condition that is in violation.

(c) The commissioner shall issue the stop work order by:

(1) serving the order on the person who has committed or is about to commit the violation;

(2) posting the order at the location where the violation was committed or is about to be committed or at the location where the violating condition exists; or

(3) serving the order on any owner or lessee of the real property where the violating condition exists.

(d) A stop order shall:

(1) describe the act, conduct, or practice committed or about to be committed, or the condition, and include a reference to the applicable law that the act, conduct, practice, or condition violates or would violate; and

(2) provide notice that any person aggrieved by the stop order may request a hearing as provided in paragraph (e).

(e) Within 30 days after the commissioner issues a stop order, any person aggrieved by the order may request an expedited hearing to review the commissioner's action. The request for hearing must be made in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner on or before the 30th day after the commissioner issued the stop order, the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail is the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order. The person who requested the hearing and the commissioner are the parties to the expedited hearing. The hearing shall be commenced within ten days after the commissioner receives the request for hearing. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The administrative law judge shall issue a report containing findings of fact, conclusions of law, and a recommended order within ten days after the completion of the hearing, the receipt of late-filed exhibits, or the submission of written arguments, whichever is later. Any party aggrieved by the administrative law judge's report shall have five days after the date of the administrative law judge's report to submit written exceptions and argument to the commissioner that the commissioner shall consider and enter in the record. Within 15 days after receiving the administrative law judge's report, the commissioner shall issue an order vacating, modifying, or

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

making permanent the stop order. The commissioner and the person requesting the hearing may by agreement lengthen any time periods described in this paragraph. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this subdivision.

(f) A stop order issued under this subdivision shall be in effect until it is modified or vacated by the commissioner or an appellate court. The administrative hearing provided by this subdivision and any appellate judicial review as provided in chapter 14 shall constitute the exclusive remedy for any person aggrieved by a stop order.

(g) Upon the application of the commissioner, a district court shall find the failure of any person to comply with a final stop order lawfully issued by the commissioner under this subdivision as a contempt of court.

### **Subd. 11. Licensing orders; grounds; reapplication.**

(a) The commissioner may deny an application for a permit, license, registration, or certificate if the applicant does not meet or fails to maintain the minimum qualifications for holding the permit, license, registration, or certificate, or has any unresolved violations or unpaid fees or monetary penalties related to the activity for which the permit, license, registration, or certificate has been applied for or was issued.

(b) The commissioner may deny, suspend, limit, place conditions on, or revoke a person's permit, license, registration, or certificate, or censure the person holding the permit, license, registration, or certificate, if the commissioner finds that the person:

(1) committed one or more violations of the applicable law;

(2) submitted false or misleading information to the state in connection with activities for which the permit, license, registration, or certificate was issued, or in connection with the application for the permit, license, registration, or certificate;

(3) allowed the alteration or use of the person's own permit, license, registration, or certificate by another person;

(4) within the previous five years, was convicted of a crime in connection with activities for which the permit, license, registration, or certificate was issued;

(5) violated: (i) a final administrative order issued under subdivision 7, (ii) a final stop order issued under subdivision 10, (iii) injunctive relief issued under subdivision 9, or (iv) a consent order or final order of the commissioner;

(6) failed to cooperate with a commissioner's request to give testimony, to produce documents, things, apparatus, devices, equipment, or materials, or to access property under subdivision 2;

(7) retaliated in any manner against any employee or person who is questioned by, cooperates with, or provides information to the commissioner or an employee or agent authorized by the commissioner who seeks access to property or things under subdivision 2;

(8) engaged in any fraudulent, deceptive, or dishonest act or practice; or



(9) performed work in connection with the permit, license, registration, or certificate or conducted the person's affairs in a manner that demonstrates incompetence, untrustworthiness, or financial irresponsibility.

(c) If the commissioner revokes or denies a person's permit, license, registration, or certificate under paragraph (b), the person is prohibited from reapplying for the same type of permit, license, registration, or certificate for at least two years after the effective date of the revocation or denial. The commissioner may, as a condition of reapplication, require the person to obtain a bond or comply with additional reasonable conditions the commissioner considers necessary to protect the public.

(d) If a permit, license, registration, or certificate expires, or is surrendered, withdrawn, or terminated, or otherwise becomes ineffective, the commissioner may institute a proceeding under this subdivision within two years after the permit, license, registration, or certificate was last effective and enter a revocation or suspension order as of the last date on which the permit, license, registration, or certificate was in effect.

**Subd. 12. Issuance of licensing orders; hearings related to licensing orders.**

(a) If the commissioner determines that a permit, license, registration, or certificate should be conditioned, limited, suspended, revoked, or denied under subdivision 11, or that the permit holder, licensee, registrant, or certificate holder should be censured under subdivision 11, then the commissioner shall issue to the person an order denying, conditioning, limiting, suspending, or revoking the person's permit, license, registration, or certificate, or censuring the permit holder, licensee, registrant, or certificate holder.

(b) Any order issued under paragraph (a) may include an assessment of monetary penalties and may require the person to cease and desist from committing the violation or committing the act, conduct, or practice set out in subdivision 11, paragraph (b). The monetary penalty may be up to \$10,000 for each violation or act, conduct, or practice committed by the person. The procedures in section 326B.083 must be followed when issuing orders under paragraph (a).

(c) The permit holder, licensee, registrant, certificate holder, or applicant to whom the commissioner issues an order under paragraph (a) shall have 30 days after issuance of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order by the 30th day after issuance of the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after issuance of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the person submits to the commissioner a timely request for hearing, the order is stayed unless the commissioner summarily suspends the license, registration, certificate, or permit under subdivision 13, and a contested case hearing shall be held in accordance with chapter 14.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

### Subd. 13. **Summary suspension.**

In any case where the commissioner has issued an order to revoke, suspend, or deny a license, registration, certificate, or permit under subdivisions 11, paragraph (b), and 12, the commissioner may summarily suspend the person's permit, license, registration, or certificate before the order becomes final. The commissioner shall issue a summary suspension order when the safety of life or property is threatened or to prevent the commission of fraudulent, deceptive, untrustworthy, or dishonest acts against the public. The summary suspension shall not affect the deadline for submitting a request for hearing under subdivision 12. If the commissioner summarily suspends a person's permit, license, registration, or certificate, a timely request for hearing submitted under subdivision 12 shall also be considered a timely request for hearing on continuation of the summary suspension. If the commissioner summarily suspends a person's permit, license, registration, or certificate under this subdivision and the person submits a timely request for a hearing, then a hearing on continuation of the summary suspension must be held within ten days after the commissioner receives the request for hearing unless the parties agree to a later date.

### Subd. 14. **Plan for assessing penalties.**

The commissioner may prepare a plan for assessing penalties in orders issued under subdivision 7 or 12. The commissioner shall provide a 30-day period for public comment on any such plan. Penalties assessed by the commissioner in accordance with the plan shall be presumed reasonable.

### Subd. 15. **Effect on other laws.**

Nothing in this section shall be construed to limit the application of other state or federal laws, including specifically but not exclusively section 270C.72, that require suspension of, revocation of, denial of, or refusal to renew a permit, license, registration, or certificate issued by the commissioner.

### Subd. 16. **Misdemeanor penalties.**

Except as otherwise provided by law, a person who violates an applicable law is guilty of a misdemeanor.

### Subd. 17. **Revocation and suspension of license.**

If a person fails to pay a penalty owed under this section or section 326B.083, the commissioner may revoke, suspend, or deny any or all licenses, permits, certificates, and registrations issued by the department.

**History:** 2007 c 140 art 3 s 2; 2008 c 337 s 42-46; 2009 c86art1 s 58; 2010 c 183 s 1; 2013 c85art2s5

## **326B.083 AMOUNT OF PENALTY; CONTENTS OF ADMINISTRATIVE AND LICENSING ORDERS.**

### Subdivision 1. **Amount of penalty; considerations.**

In determining the amount of a penalty assessed under section 326B.082, subdivision 7 or 12, the commissioner shall consider the factors described in section 14.045, subdivision 3.

**Subd. 2. Contents of administrative order and licensing order.**

(a) An administrative order and a licensing order must include:

- (1) a summary of the facts that constitute the violation or violations;
- (2) a reference to the applicable law that has been violated; and
- (3) a statement of the person's right to request a hearing.

(b) An administrative order may include a requirement that the violation be corrected. If the order includes a requirement that the violation be corrected, then the order must include, in addition to any statements required under paragraphs (a) and (c), the deadline by which the violation must be corrected.

(c) An administrative order or a licensing order may assess monetary penalties. If the order assesses monetary penalties, then the order must include, in addition to any statements required under paragraphs (a) and (b):

- (1) a statement of the amount of the monetary penalty imposed;
- (2) a statement that, when the order becomes final, the commissioner may file and enforce the unpaid portion of a penalty as a judgment in district court without further notice or additional proceedings; and
- (3) if the order is an administrative order, a statement of the amount of the penalty, if any, that will be forgiven if the person who is subject to the order demonstrates to the commissioner by the 31st day after the order is served that the person has corrected the violation or has developed a correction plan acceptable to the commissioner.

**Subd. 3. Penalty.**

(a) If an administrative order includes a penalty assessment, then the penalty is due and payable on the date the administrative order becomes final unless some or all of the penalty is forgivable. If a licensing order includes a penalty assessment, then the penalty is due and payable on the date the licensing order becomes final.

(b) This paragraph applies if an administrative order includes a penalty assessment and all or a portion of the penalty is forgivable.

(1) If any portion of the penalty is not forgivable, that portion of the penalty is due and payable ten days after the date the administrative order becomes final.

(2) The commissioner shall forgive the forgivable portion of the penalty if the commissioner determines that the violation has been corrected within the time set by the order or the person to whom the order was issued has developed a correction plan acceptable to the commissioner within the time set by the order.

(3) If the commissioner determines that the person to whom the order was issued has failed to correct the violation within the time set by the order or has failed to develop a correction plan acceptable to the commissioner within the time set by the order, then the forgivable portion of the penalty is due and payable 20 days after the commissioner serves notice of the determination on the person or on the date the administrative order becomes final, whichever is later.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(c) This paragraph applies if an administrative order or a licensing order includes a penalty assessment and if the person subject to the order has requested a hearing. The administrative law judge may not recommend a change in the amount of the penalty if the penalty was assessed in accordance with a plan prepared under section 326B.082, subdivision 14. If the commissioner has not prepared a plan under section 326B.082, subdivision 14, then the administrative law judge may not recommend a change in the amount of the penalty unless the administrative law judge determines that, based on the factors in section 14.045, subdivision 3, the amount of the penalty is unreasonable.

(d) The assessment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

**History:** 2007 c 140 art 3 s 3; 2008 c 337 s 47

### **326B.084 FALSE INFORMATION; UNLICENSED ADVERTISING.**

Subdivision 1. **False information.** A person subject to any of the requirements in the applicable law may not make a false material statement, representation, or certification in; omit material information from; or alter, conceal, or fail to file or maintain a notice, application, record, report, plan, or other document required under the applicable law.

Subd. 2. **Unlicensed advertising.** No person shall offer to perform services for which a license issued by the commissioner is required unless the person holds an active license to perform those services. Nothing in this subdivision prohibits an offer to sell, repair, or perform services provided those services are performed by a licensed person.

**History:** 2007 c 140 art 3 s 4; 2010 c 183 s 2

### **326B.085 RECOVERY OF LITIGATION COSTS AND EXPENSES.**

In any action brought by the commissioner for enforcement of an order issued under section 326B.082 for injunctive relief, or to compel performance pursuant to the applicable law, if the state finally prevails, the state, in addition to other penalties provided by law, may be allowed an amount determined by the court to be the reasonable value of all or part of the litigation expenses incurred by the state. In determining the amount of the litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

**History:** 2007c140art3s5

## LICENSES AND FEES

### 326B.091 DEFINITIONS.

#### Subdivision 1. **Applicability.**

For purposes of sections 326B.091 to 326B.099, the terms defined in this section have the meanings given them.

Subd. 2. **Applicant.** "Applicant" means a person who has submitted to the department an application for an initial or renewal license.

Subd. 2a. **Appropriate and related knowledge.** "Appropriate and related knowledge" means facts, information, or principles that are clearly relevant to the licensee's responsibilities under a license issued by the commissioner. These facts, information, or principles must convey substantive and procedural knowledge as it relates to postlicensing issues and must be relevant to the technical aspects of a regulated industry.

Subd. 2b. **Classroom hour.** "Classroom hour" means 50 minutes of educational content.

Subd. 2c. **Instructor.** "Instructor" means an individual lecturing in an approved educational offering.

Subd. 3. **License.** "License" means any registration, certification, or other form of approval authorized by this chapter 326B and chapter 327B to be issued by the commissioner or department as a condition of doing business or conducting a trade, profession, or occupation in Minnesota. License includes specifically but not exclusively an authorization issued by the commissioner or department: to perform electrical work, plumbing or water conditioning work, high pressure piping work, or residential building work of a residential contractor, residential remodeler, or residential roofer; to install manufactured housing; to serve as a building official; or to operate a boiler or boat.

Subd. 4. **Licensee.** "Licensee" means the person named on the license as the person authorized to do business or conduct the trade, profession, or occupation in Minnesota.

Subd. 4a. **Medical hardship.** "Medical hardship" means a documented physical disability or medical condition.

Subd. 5. **Notification date.** "Notification date" means the date of the written notification from the department to an applicant that the applicant is qualified to take the examination required for licensure.

Subd. 5a. **Overpayment.** "Overpayment" means any payment of money in excess of a statutory fee.

Subd. 5b. **Qualifying individual.** "Qualifying individual" means the individual responsible for obtaining continuing education on behalf of a residential building contractor, residential remodeler, or residential roofer licensed pursuant to sections 326B.801 to 326B.885.

Subd. 5c. **Regulated industry.** "Regulated industry" means any business, trade, profession, or occupation that requires a license issued under this chapter or chapter 327B as a condition of doing business in Minnesota.

Subd. 6. **Renewal deadline.** "Renewal deadline," when used with respect to a license, means 30 days before the date that the license expires.

Subd. 7. **Sponsor.** "Sponsor" means any person or entity offering or providing approved continuing education.

**History:** 2007 c 140 art 8 s 27,30; art 13 s 4; 2010 c 347 art 3 s 3,76; 2010 c 385 s 6; 1Sp2011 c 4 art 3 s 4,27-30,58

**326B.092 FEES.**

**Subdivision 1. Licenses requiring examination administered by commissioner.**

(a) If the applicant for a license must pass an examination administered by the commissioner in order to obtain the license, then the application for the initial license must be accompanied by an application and examination fee of \$50, which is separate from the license fee. The license fee is due after the applicant passes the examination and before the license is issued.

(b) If the applicant for a Minnesota license holds a license in another state and is seeking Minnesota licensure without examination based on reciprocity, then the application for the Minnesota license must be accompanied by the application and examination fee of \$50, which is separate from the license fee. If the commissioner approves the application, then the license fee is due before the license is issued.

**Subd. 2. Licenses not requiring examination administered by commissioner.**

If the applicant for a license is not required to pass an examination in order to obtain the license, or is required to pass an examination that is not administered by the commissioner, then the license fee must accompany the application for the license. If the application is for a license issued under sections 326B.802 to 326B.885 and is not an application for license renewal, then the contractor recovery fund fee required under section 326B.89, subdivision 3, is due before the license is issued.

**Subd. 3. Late fee.**

The department must receive a complete application for license renewal by the renewal deadline but not more than 90 days before the renewal deadline. If the department receives a renewal application after the expiration of the license, then the renewal application must be accompanied by a late fee equal to one-half of the license renewal fee; except that, for the purpose of calculating the late fee only, the license renewal fee shall not include any contractor recovery fund fee required by section 326B.89, subdivision 3.

**Subd. 4. Lapsed licensed fee.**

If the department receives a renewal application within two years after expiration of the license, the renewal application must be accompanied by all license renewal fees to cover the period that the license was expired, plus the late fee described in subdivision 3 and the license renewal fee for the current renewal period.

**Subd. 5. Insufficient fees.**

If the applicant does not include all required fees with the application, then the application will be incomplete and the department will notify the applicant of the amount of the deficiency. Subd. 6.

**Fees nonrefundable.**

Application and examination fees, license fees, license renewal fees, and late fees are nonrefundable except for:

(1) license renewal fees received more than two years after expiration of the license, as described in section 326B.094, subdivision 2;

(2) any overpayment of fees; and

(3) if the license is not renewed, the contractor recovery fund fee and any additional assessment paid under subdivision 7, paragraph (e).

**Subd. 7. License fees and license renewal fees.**

(a) The license fee for each license is the base license fee plus any applicable board fee, continuing education fee, and contractor recovery fund fee and additional assessment, as set forth in this subdivision.

(b) For purposes of this section, "license duration" means the number of years for which the license is issued except that:

(1) if the initial license is not issued for a whole number of years, the license duration shall be rounded up to the next whole number; and

(2) if the department receives an application for license renewal after the renewal deadline, license duration means the number of years for which the renewed license would have been issued if the renewal application had been submitted on time and all other requirements for renewal had been met.

(c) The base license fee shall depend on whether the license is classified as an entry level, master, journeyman, or business license, and on the license duration. The base license fee shall be:

License Classification License Duration

	1 Year	2 Years	3 Years
Entry level	\$10	\$20	\$30
Journeyman	\$20	\$40	\$60
Master	\$40	\$80	\$120
Business	\$90	\$180	\$270

(d) If there is a continuing education requirement for renewal of the license, then a continuing education fee must be included in the renewal license fee. The continuing education fee for all license classifications shall be: \$10 if the renewal license duration is one year; \$20 if the renewal license duration is two years; and \$30 if the renewal license duration is three years.

(e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to 326B.93, then a board fee must be included in the license fee and the renewal license fee. The board fee for all license classifications shall be: \$4 if the license duration is one year; \$8 if the license duration is two years; and \$12 if the license duration is three years.

(f) If the application is for the renewal of a license issued under sections 326B.802 to 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision 3, and any additional assessment required under section 326B.89, subdivision 16, must be included in the license renewal fee.

**History:** 2010 c 347 art 3 s 4,76; 2010 c 385 s 6; 2012 c 295 art 1 s 11,12

### **326B.093 LICENSES REQUIRING EXAMINATION ADMINISTERED BY COMMISSIONER.**

#### **Subdivision 1. Qualifications for examination.**

If the applicant for a license must pass an examination administered by the commissioner in order to obtain the license, then the applicant's complete application must demonstrate that the applicant is qualified to take the examination. The applicant is qualified to take the examination if the applicant meets all requirements for the license except for passing the examination.

#### **Subd. 2. Not qualified for examination.**

If the applicant is not qualified to take the examination, then the commissioner must deny the application. The applicant may subsequently submit another application, accompanied by the required fee.

#### **Subd. 3. Taking the examination.**

If the applicant is qualified to take the examination, then the department must notify the applicant, and the applicant may schedule a time to take the examination within one year after the notification date. If the applicant does not take the examination at the scheduled time, the applicant may, one time only, reschedule a time to take the examination on a date within one year after the notification date. If the applicant fails to take the examination within one year after the notification date, the commissioner must deny the application and the applicant forfeits the application/examination fee. The applicant may subsequently submit another application, accompanied by the required application/examination fee.

#### **Subd. 4. Examination results.**

If the applicant receives a passing score on the examination and meets all other requirements for licensure, the commissioner must approve the application and notify the applicant of the approval within 60 days of the date of the passing score. The applicant must, within 180 days after the notification of approval, pay the license fee. Upon receipt of the license fee, the commissioner must issue the license. If the applicant does not pay the license fee within 180 days after the notification of approval, the commissioner will rescind the approval and must deny the application. If the applicant does not receive a passing score on the examination, the commissioner must deny the application. If the application is denied because of the applicant's failure to receive a passing score on the examination, then the



applicant cannot submit a new application for the license until at least 30 days after the notification of denial.

**History:** 2010 c 347 art 3 s 5,76; 2010 c 385 s 6; 2013 c85art2s6

### **326B.094 RENEWAL OF LICENSES.**

#### **Subdivision 1. Expiration of licenses.**

Unless and until the department or commissioner issues a renewal of a license, the license expires on the expiration date printed on the license. While the license is expired, the licensee cannot perform the activities authorized by the license.

#### **Subd. 2. Availability of renewal.**

A licensee may apply to renew a license no later than two years after the expiration of the license. If the department receives a complete renewal application no later than two years after the expiration of the license, then the department must approve or deny the renewal application within 60 days of receiving the complete renewal application. If the department receives a renewal application more than two years after the expiration of the license, the department must return the renewal license fee to the applicant without approving or denying the application. If the licensee wishes to obtain a valid license more than two years after expiration of the license, the licensee must apply for a new license.

#### **Subd. 3. Deadline for avoiding license expiration.**

The department must receive a complete application to renew a license no later than the renewal deadline. If the department does not receive a complete application by the renewal deadline, the license may expire before the department has either approved or denied the renewal application.

**History:** 2010 c 347 art 3 s 6,76; 2010 c 385 s 6

### **326B.095 INCOMPLETE LICENSE APPLICATIONS.**

This section applies to both applications for initial licenses and license renewal applications. If the department determines that an application is incomplete, the department must notify the applicant of the deficiencies that must be corrected in order to complete the application. If the applicant wishes to complete the application, the department must receive the completed application within 90 days after the date the department mailed or delivered the incomplete application to the applicant. If the department does not receive the completed application by this deadline, the commissioner must deny the application and the applicant will forfeit all fees except as provided in section 326B.092, subdivision 6. If the application is for license renewal and the department receives the corrected application after the license has expired, then the corrected application must be accompanied by the late fee.

**History:** 2010 c 347 art 3 s 7,76; 2010 c 385 s 6

**326B.096 REINSTATEMENT OF LICENSES.**

Subdivision 1. **Reinstatement after revocation.**

(a) If a license is revoked under this chapter and if an applicant for a license needs to pass an examination administered by the commissioner before becoming licensed, then, in order to have the license reinstated, the person who holds the revoked license must:

(1) retake the examination and achieve a passing score; and

(2) meet all other requirements for an initial license, including payment of the application and examination fee and the license fee. The person holding the revoked license is not eligible for Minnesota licensure without examination based on reciprocity.

(b) If a license is revoked under a chapter other than this chapter, then, in order to have the license reinstated, the person who holds the revoked license must:

(1) apply for reinstatement to the commissioner no later than two years after the effective date of the revocation;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that, unless required by the order revoking the license, the applicant does not need to retake any examination and does not need to repay a license fee that was paid before the revocation.

Subd. 2. **Reinstatement after suspension.**

If a license is suspended, then, in order to have the license reinstated, the person who holds the suspended license must:

(1) apply for reinstatement to the commissioner no later than two years after the completion of the suspension period;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that, unless required by the order suspending the license, the applicant does not need to retake any examination and does not need to repay a license fee that was paid before the suspension.

Subd. 3. **Reinstatement after voluntary termination.**

A licensee who is not an individual may voluntarily terminate a license issued to the person under this chapter. If a licensee has voluntarily terminated a license under this subdivision, then, in order to have the license reinstated, the person who holds the terminated license must:

(1) apply for reinstatement to the commissioner no later than the date that the license would have expired if it had not been terminated;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that the applicant does not need to repay a license fee that was paid before the termination.

**History:** 2010 c 347 art 3 s 8,76; 2010 c 385 s 6

**326B.097 PROHIBITION OF TRANSFER.**

A licensee shall not transfer or sell any license.

**History:** 2010 c 347 art 3 s 9, 76; 2010 c 385 s 6

**326B.098 CONTINUING EDUCATION.**

Subdivision 1. **Department seminars.**

This section applies to seminars offered by the department for the purpose of enabling licensees to meet continuing education requirements for license renewal.

Subd. 2. **Rescheduling.**

An individual who is registered with the department to attend a seminar may reschedule one time only, to attend the same seminar on a date within one year after the date of the seminar the individual was registered to attend.

Subd. 3. **Fees nonrefundable.**

All seminar fees paid to the department are nonrefundable except for any overpayment of fees or if the department cancels the seminar.

**History:** 2010c347art3s 10,76; 2010c385s 6; 1Sp2011 c4 art3s5

**326B.0981 CONTINUING EDUCATION; NONDEPARTMENT SEMINARS.**

Subdivision 1. **Nondepartment seminars.**

This section applies to seminars that are offered by an entity other than the department for the purpose of enabling licensees to meet continuing education requirements for license renewal.

Subd. 2. **Continuing education approval.**

Continuing education courses must be approved in advance by the commissioner of labor and industry.

Subd. 3. **Content.**

(a) Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries pursuant to this chapter and other applicable federal and state laws, rules, and regulations. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in subdivision 11. The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

(b) Except as required for Internet continuing education, course examinations will not be required for continuing education courses.

(c) If textbooks are not used as part of the course, the sponsor must provide students with a syllabus containing the course title; the times and dates of the course offering; the name, address, and telephone number of the course sponsor; the name and affiliation of the instructor; and a detailed outline of the subject materials to be covered. Any written or printed material given to students must be of readable quality and contain accurate and current information.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(d) Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each classroom hour approved by the commissioner. Each continuing education course must be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.

(e) Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of the initial presentation. Continuing education credits for completion of an approved course may only be used once for renewal of a specific license.

(f) Courses will be approved using the following guidelines:

(1) course content must demonstrate significant intellectual or practical content and deal with matters directly related to the practice in the regulated industry, workforce safety, or the business of running a company in the regulated industry. Courses may also address the professional responsibility or ethical obligations of a licensee related to work in the regulated industry;

(2) the following courses may be approved if they are specifically designed for the regulated industry and are in compliance with paragraph (g):

(i) courses approved by the Minnesota Board of Continuing Legal Education; or

(ii) courses approved by the International Code Council, National Association of Home Building, or other nationally recognized professional organization of the regulated industry; and

(3) courses must be presented and attended in a suitable classroom or construction setting, except for Internet education courses which must meet the requirements of subdivision 5a. Courses presented via video recording, simultaneous broadcast, or teleconference may be approved provided the sponsor is available at all times during the presentation, except for Internet education courses which must meet the requirements of subdivision 5a.

(g) The following courses will not be approved for credit:

(1) courses designed solely to prepare students for a license examination;

(2) courses in mechanical office skills, including typing, speed reading, or other machines or equipment. Computer courses are allowed, if appropriate and related to the regulated industry;

(3) courses in sales promotion, including meetings held in conjunction with the general business of the licensee;

(4) courses in motivation, salesmanship, psychology, or personal time management;

(5) courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed; or

(6) courses where any of the educational content of the course is the State Building Code that include code provisions that have not been adopted into the State Building Code unless

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

the course materials clarify that the code provisions have been officially adopted into a future version of the State Building Code and the effective date of enforcement.

(h) Nothing in this subdivision shall limit an authority expressly granted to the Board of Electricity, Board of High Pressure Piping Systems, or Plumbing Board.

### Subd. 4. **Internet continuing education.**

(a) The design and delivery of an Internet continuing education course must be approved by the International Distance Education Certification Center (IDECC) or the International Association for Continuing Education and Training (IACET) before the course is submitted for the commissioner's approval. The approval must accompany the course submitted.

(b) An Internet continuing education course must:

(1) specify the minimum computer system requirements;

(2) provide encryption that ensures that all personal information, including the student's name, address, and credit card number, cannot be read as it passes across the Internet;

(3) include technology to guarantee seat time;

(4) include a high level of interactivity;

(5) include graphics that reinforce the content;

(6) include the ability for the student to contact an instructor or course sponsor within a reasonable amount of time;

(7) include the ability for the student to get technical support within a reasonable amount of time;

(8) include a statement that the student's information will not be sold or distributed to any third party without prior written consent of the student. Taking the course does not constitute consent;

(9) be available 24 hours a day, seven days a week, excluding minimal downtime for updating and administration, except that this provision does not apply to live courses taught by an actual instructor and delivered over the Internet;

(10) provide viewing access to the online course at all times to the commissioner, excluding minimal downtime for updating and administration;

(11) include a process to authenticate the student's identity;

(12) inform the student and the commissioner how long after its purchase a course will be accessible;

(13) inform the student that license education credit will not be awarded for taking the course after it loses its status as an approved course;

(14) provide clear instructions on how to navigate through the course;

(15) provide automatic bookmarking at any point in the course;

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(16) provide questions after each unit or chapter that must be answered before the student can proceed to the next unit or chapter;

(17) include a reinforcement response when a quiz question is answered correctly;

(18) include a response when a quiz question is answered incorrectly;

(19) include a final examination in which the student must correctly answer 70 percent of the questions;

(20) allow the student to go back and review any unit at any time, except during the final examination;

(21) provide a course evaluation at the end of the course. At a minimum, the evaluation must ask the student to report any difficulties caused by the online education delivery method;

(22) provide a completion certificate when the course and exam have been completed and the provider has verified the completion. Electronic certificates are sufficient and shall include the name of the provider, date and location of the course, educational program identification that was provided by the department, hours of instruction or continuing education hours, and licensee's or attendee's name and license, certification, or registration number or the last four digits of the licensee's or attendee's Social Security number; and

(23) allow the commissioner the ability to electronically review the class to determine if credit can be approved.

(c) The final examination must be either an encrypted online examination or a paper examination that is monitored by a proctor who certifies that the student took the examination.

### Subd. 5. Course approval.

(a) Courses must be approved by the commissioner in advance and will be approved on the basis of the applicant's compliance with the provisions of this section relating to continuing education in the regulated industries. The commissioner shall make the final determination as to the approval and assignment of credit hours for courses. Courses must be at least one hour in length.

Licensees requesting credit for continuing education courses that have not been previously approved by the commissioner shall, on a form prescribed by the commissioner, submit an application for approval of continuing education credit accompanied by a nonrefundable fee of \$20 for each course to be reviewed. To be approved, courses must be in compliance with the provisions of this section governing the types of courses that will and will not be approved.

Approval will not be granted for time spent on meals or other unrelated activities. Breaks may not be accumulated in order to dismiss the class early. Classes shall not be offered by a provider to any one student for longer than eight hours in one day, excluding meal breaks.

(b) Application for course approval must be submitted on a form approved by the commissioner at least 30 days before the course offering.

(c) Approval must be granted for a subsequent offering of identical continuing education courses without requiring a new application if a notice of the subsequent offering is filed with

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

the commissioner at least 30 days in advance of the date the course is to be held. The commissioner shall deny future offerings of courses if they are found not to be in compliance with the laws relating to course approval.

### Subd. 6. **Courses open to all.**

All course offerings must be open to any interested individuals. Access may be restricted by the sponsor based on class size only. Courses shall not be approved if attendance is restricted to any particular group of people, except for company-sponsored courses allowed by applicable law.

### Subd. 7. **Course tuition.**

Tuition for an approved course of study and related materials must be clearly identified to students. In the event that a course is canceled for any reason, all tuition must be returned within 15 days from the date of cancellation. In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their tuition refunded in full within 15 days from the date of postponement. If a student is unable to attend a course or cancels the registration in a course, sponsor policies regarding refunds shall govern.

### Subd. 8. **Facilities.**

Except for Internet education offered pursuant to subdivision 5a, each course of study must be conducted in a classroom or other facility that is adequate to comfortably accommodate the instructors and the number of students enrolled. The sponsor may limit the number of students enrolled in a course.

### Subd. 9. **Supplementary materials.**

An adequate supply of supplementary materials to be used or distributed in connection with an approved course must be available at the time and place of the course offering in order to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced must be of readable quality.

### Subd. 10. **Advertising courses.**

(a) Paragraphs (b) to (g) govern the advertising of continuing education courses.

(b) Advertising must be truthful and not deceptive or misleading. Courses may not be advertised as approved for continuing education credit unless approval has been granted in writing by the commissioner.

(c) Once a course is approved, all advertisement, pamphlet, circular, or other similar materials pertaining to an approved course circulated or distributed in this state, must prominently display the following statement:

"This course has been approved by the Minnesota Department of Labor and Industry for ..... (approved number of hours) hours for ..... (regulated industry) continuing education."

(d) Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.

(e) Continuing education courses may not be advertised before approval unless the course is described in any advertising as "approval pending." The sponsor must verbally notify

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

students before commencement of the course if the course has been denied credit, has not been approved for credit, or has only been approved for partial credit by the commissioner.

(f) The number of hours for which a course has been approved must be prominently displayed on an advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.

(g) The course approval number must not be included in any advertisement.

### Subd. 11. **Notice to students.**

At the beginning of each approved offering, the following notice must be handed out in printed form or must be read to students:

"This educational offering is recognized by the Minnesota Department of Labor and Industry as satisfying..... (insert number of hours approved) hours of credit toward (insert regulated industry) continuing education requirements."

### Subd. 12. **Falsification of reports or certificates.**

A licensee, its qualifying individual, or an applicant found to have falsified an education report or certificate to the commissioner shall be considered to have violated the laws relating to the regulated industry for which the person has a license and shall be subject to the enforcement provisions of section 326B.082.

The commissioner reserves the right to audit a licensee's continuing education records.

### Subd. 13. **Waivers and extensions.**

Upon written proof demonstrating a medical hardship, the commissioner shall extend, for up to 90 days, the time period during which the continuing education must be successfully completed. Requests for extensions must be submitted to the commissioner in writing no later than 60 days before the education is due and must include an explanation with verification of the hardship, plus verification of enrollment at an approved course of study on or before the extension period expires.

### Subd. 14. **Reporting requirements.**

Continuing education credits must be reported by the sponsor in a manner prescribed by the commissioner. Licensees are responsible for maintaining copies of course completion certificates.

### Subd. 15. **Continuing education fees.**

The following fees shall be paid to the commissioner:

(1) initial course approval, \$20 for each hour or fraction of one hour of continuing education course approval sought. Initial course approval expires on the last day of the 36th month after the course is approved;

(2) initial sponsor approval, \$100. Initial sponsor approval expires on the last day of the 24th month after the sponsor is approved; and

(3) renewal of sponsor approval, \$100. Renewal of sponsor approval expires on the last day of the 24th month after the sponsor is renewed.



**Subd. 16. Refunds.**

All fees paid to the commissioner under this section are nonrefundable, except that an overpayment of a fee shall be returned upon proper application.

**Subd. 17. Renewal of approval.**

The commissioner is authorized to establish a procedure for renewal of course approval.

**History:** 1991 c 306 s 11; 1992 c 522 s 23; 1992 c 595 s 25; 1992 c 597 s 17; 1993 c 245 s 18; 1996 c 439 art 4 s 2; 2007 c 140 art 8 s 12,30; art 13 s 4; 2008 c 322 s 6; 2008 c 337s38; 2009 c 78art5s 21; 2010c260s 1; 1Sp2011c4art3s 6,31-35,40-47,58; 2012 c 295 art 1s 13

**326B.099 CONTINUING EDUCATION; COURSES.**

**Subdivision 1. Course sponsor.**

(a) Each course of study shall have at least one sponsor, approved by the commissioner, who is responsible for supervising the program and ensuring compliance with all relevant law. Sponsors may engage an additional approved sponsor in order to assist the sponsor or to act as a substitute for the sponsor.

(b) Sponsors must submit an application and sworn statement stating they agree to abide by the requirements of this section and any other applicable statute or rule pertaining to continuing education in the regulated industry.

(c) A sponsor may also be an instructor.

(d) Failure to comply with paragraph (b) may result in loss of sponsor approval for up to two years in accordance with section 326B.082.

**Subd. 2. Responsibilities. A**

sponsor is responsible for:

(1) ensuring compliance with all laws and rules relating to continuing educational offerings governed by the commissioner;

(2) ensuring that students are provided with current and accurate information relating to the laws and rules governing the regulated industry;

(3) supervising and evaluating courses and instructors. Supervision includes ensuring that all areas of the curriculum are addressed without redundancy and that continuity is present throughout the entire course;

(4) ensuring that instructors are qualified to teach the course offering;

(5) furnishing the commissioner, upon request, with copies of course evaluations. Evaluations must be completed by students at the time the course is offered;

(6) furnishing the commissioner, upon request, with copies of the qualifications of instructors;

(7) investigating complaints related to course offerings or instructors. A copy of the written complaint must be sent to the commissioner within ten days of receipt of the complaint and a

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

copy of the complaint resolution must be sent not more than ten days after resolution is reached;

(8) maintaining accurate records relating to course offerings, instructors, tests taken by students if required, and student attendance for a period of three years from the date on which the course was completed. These records must be made available to the commissioner upon request. In the event the sponsor ceases operations before termination of the sponsor application, the sponsor must provide to the commissioner digital copies of all course and attendance records of courses held for the previous three years;

(9) attending workshops or instructional programs as reasonably required by the commissioner;

(10) providing course completion certificates within ten days of, but not before, completion of the entire course. A sponsor may require payment of the course tuition as a condition of receiving the course completion certificate. Course completion certificates must be completed in their entirety and shall contain the following:

(i) the statement: "If you have any comments about this course offering, please mail them to the Minnesota Department of Labor and Industry.";

(ii) the current address of the department, name of the provider, date and location of the course, educational program identification provided by the department, and hours of instruction or continuing education hours; and

(iii) the licensee's or attendee's name and license, certificate, or registration number or the last four digits of the licensee's or attendee's Social Security number; and

(11) notifying the commissioner in writing within ten days of any change in the information in an application for approval on file with the commissioner.

### Subd. 3. Instructors.

(a) Each continuing education course shall have an instructor who is qualified by education, training, or experience to ensure competent instruction.

Failure to have only qualified instructors teach at an approved course offering will result in loss of course approval. Sponsors are responsible to ensure that an instructor is qualified to teach the course offering.

(b) Qualified continuing education instructors must have one of the following qualifications:

(1) four years' practical experience in the subject area being taught;

(2) a college or graduate degree in the subject area being taught;

(3) direct experience in the development of laws, rules, or regulations related to the regulated industry; or

(4) demonstrated expertise in the subject area being taught. Instructors providing instruction related to electricity, plumbing, or high pressure piping systems must comply with all applicable continuing education rules adopted by the Board of Electricity, the Plumbing Board, or the Board of High Pressure Piping Systems.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(c) Qualified continuing education instructors are responsible for:

- (1) compliance with all laws and rules relating to continuing education;
- (2) providing students with current and accurate information;
- (3) maintaining an atmosphere conducive to learning in the classroom;
- (4) verifying attendance of students, and certifying course completion;
- (5) providing assistance to students and responding to questions relating to course materials; and
- (6) attending the workshops or instructional programs that are required by the commissioner.

### Subd. 4. **Prohibited practices for sponsors and instructors.**

(a) In connection with an approved continuing education course, sponsors and instructors shall not:

- (1) recommend, promote, or disparage the specific services, products, processes, procedures, or practices of a particular person in the regulated industry;
- (2) encourage or recruit students to engage the services of, or become associated with, a particular business;
- (3) use materials for the sole purpose of promoting a particular business;
- (4) require students to participate in other programs or services offered by an instructor or sponsor;
- (5) attempt, either directly or indirectly, to discover questions or answers on an examination for a license;
- (6) disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations;
- (7) misrepresent any information submitted to the commissioner;
- (8) fail to reasonably cover, or ensure coverage of, all points, issues, and concepts contained in the course outline approved by the commissioner during the approved instruction; or
- (9) issue inaccurate course completion certificates.

(b) Sponsors shall notify the commissioner within ten days of a felony or gross misdemeanor conviction or of disciplinary action taken against an occupational or professional license held by the sponsor or an instructor teaching an approved course. The conviction or disciplinary action shall be grounds for the commissioner to withdraw the approval of the sponsor and to disallow the use of the sponsor or instructor.

### Subd. 5. **Audits.**

The commissioner reserves the right to audit subject offerings with or without notice to the sponsor.

**Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations**

**History:** 1991 c306s11; 1992 c 522 s 23; 1992 c 595 s 25; 1992 c 597 s 17; 1993 c 245 s 18; 1996 c 439 art 4 s 2; 2007 c 140 art 8 s 12,30; art 13 s 4; 2008 c 322 s 6; 2008 c 337 s 38; 2009 c 78 art 5 s 21; 2010 c 260 s 1; 1Sp2011 c 4 art 3 s 36-39,58

## ELECTRICAL

### 326B.31 DEFINITIONS.

#### Subdivision 1. **Scope.**

For purposes of sections 326B.31 to 326B.399, the terms defined in this section have the meanings given them.

#### Subd. 2. **Class A electrical contractor.**

"Class A electrical contractor" means a licensed contractor whose responsible licensed individual is a licensed Class A master electrician.

Subd. 3. MS 2007 Supp [Renumbered subd 10]

Subd. 4. MS 2007 Supp [Renumbered subd 24]

Subd. 5. MS 2007 Supp [Renumbered subd 28]

Subd. 6. MS 2007 Supp [Renumbered subd 30]

Subd. 7. **Class A installer.** "Class A installer" means an individual who has the necessary qualifications, training, experience, and technical knowledge to properly lay out and install electrical wiring, apparatus, and equipment for major electrical home appliances and such other electrical equipment as is determined by the commissioner pursuant to section 326B.33, subdivision 3, on the load side of the main service on farmsteads or in any town or municipality with less than 1,500 inhabitants, which is not contiguous to a city of the first class and does not contain an established business of a master electrician, and who is licensed as a Class A installer by the commissioner.

Subd. 8. **Class A journeyman electrician.** "Class A journeyman electrician" means an individual having the necessary qualifications, training, experience, and technical knowledge to perform and supervise any electrical work except for planning or laying out of electrical work, and who is licensed as a Class A journeyman electrician by the commissioner.

Subd. 9. **Class A master electrician.** "Class A master electrician" means an individual having the necessary qualifications, training, experience, and technical knowledge to perform and supervise any electrical work, and who is licensed as a Class A master electrician by the commissioner.

Subd. 10. **Class B electrical contractor.** "Class B electrical contractor" means a licensed contractor whose responsible licensed individual is a licensed Class B master electrician.

Subd. 11. **Class B installer.** "Class B installer" means an individual who has the necessary qualifications, training, experience, and technical knowledge to properly lay out and install electrical wiring, apparatus, and equipment on center pivot irrigation booms on the load side of the main service on farmsteads, and install other electrical equipment determined by the commissioner, and who is licensed as a Class B installer by the commissioner.

Subd. 12. **Class B journeyman electrician.** "Class B journeyman electrician" means an individual having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, and supervise the installing, altering, or repairing of electrical wiring, apparatus, and equipment for single phase systems of not more than 200 ampere capacity for light, heat, power, and other purposes on any farm or in any single family dwelling located in any town or municipality which has a population of less than 2,500 inhabitants, and who is licensed as a Class B journeyman electrician by the commissioner.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 13. **Class B master electrician.** "Class B master electrician" means an individual having the necessary qualifications, training, experience, and technical knowledge to perform and supervise any electrical work for single phase systems of not over 200 ampere capacity for light, heat, power, and other purposes on any farm or in any single family dwelling located in any town or municipality which has a population of less than 2,500 inhabitants, and who is licensed as a Class B master electrician by the commissioner.

Subd. 14. **Contractor.** "Contractor" means a person who performs or offers to perform any electrical work, with or without compensation, who is licensed as a contractor by the commissioner. A contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's or other personal license. Contractor includes electrical contractors, satellite system contractors, and technology system contractors.

Subd. 15. **Demarcation.** "Demarcation" means listed equipment as identified in Minnesota Rules, part 3800.3619, such as a transformer, uninterruptible power supply (UPS), battery, control panel, or other device that isolates technology circuits or systems from nontechnology circuits or systems, including plug or cord and plug connection.

Subd. 16. **Direct supervision.** "Direct supervision" means:

(1) an unlicensed individual is being supervised by an individual licensed to perform the electrical work being supervised;

(2) during the entire working day of the unlicensed individual, the licensed individual is physically present at the location where the unlicensed individual is performing electrical work and immediately available to the unlicensed individual;

(3) the licensed individual is physically present and immediately available to the unlicensed individual at all times for assistance and direction;

(4) electronic supervision does not meet the requirement of physically present and immediately available;

(5) the licensed individual shall review the electrical work performed by the unlicensed individual before the electrical work is operated; and

(6) the licensed individual is able to and does determine that all electrical work performed by the unlicensed individual is performed in compliance with section 326B.35.

The licensed individual is responsible for the compliance with section 326B.35 of all electrical work performed by the unlicensed individual.

Subd. 17. **Electrical work.** "Electrical work" means the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for electrical light, heat, power, technology circuits or systems, or other purposes. The installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for electrical light, heat, power, technology circuits or systems, or other purposes includes, but is not limited to, the performance of any work regulated by the standards referred to in section 326B.35.

Subd. 18. [Repealed, 2013 c 85 art 2 s 44]

Subd. 19. [Repealed, 2013 c 85 art 2 s 44]

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 20. **Lineman.** "Lineman" means an individual having the necessary qualifications, training, experience, and technical knowledge to construct and maintain transmission and distribution systems that are or will be owned or leased by an electrical utility, and who is licensed as a lineman by the commissioner.

Subd. 21. **Maintenance electrician.** "Maintenance electrician" means an individual having the necessary qualifications, training, experience, and technical knowledge to properly maintain and repair electrical wiring, apparatus, and equipment, who is licensed as a maintenance electrician by the commissioner or who is exempt from licensing by sections 326B.32 to 326B.399.

Subd. 22. [Repealed, 2013 c 85 art 2 s 44]

Subd. 23. **Owner.** An "owner" is an individual who physically performs electrical work on premises the individual owns and actually occupies as a residence or owns and will occupy as a residence upon completion of its construction.

Subd. 24. **Personal license.** "Personal license" means any license issued by the commissioner under section 326B.33 or the rules adopted under section 326B.33, except a contractor's license.

Subd. 25. **Power limited technician.** "Power limited technician" means an individual having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, plan, lay out, and supervise the installing, altering, and repairing of electrical wiring, apparatus, and equipment for technology circuits or systems, and who is licensed as a power limited technician by the commissioner.

Subd. 26. **Process control circuits or systems.** "Process control circuits or systems" are circuits or systems, regardless of electrical classification, that are integrated with a manufacturing, mining, energy, finishing, conveyance of equipment or product, material handling or packaging process that makes or assembles, or similar process. Process control systems does not include premises network and communication systems whose purpose or function is not dedicated to process control circuits or systems.

Subd. 26a. **Request for inspection.** "Request for inspection" means the application for and issuance of a permit for an electrical installation that is required to be inspected under section 326B.36.

Subd. 27. **Residential dwelling.** A "residential dwelling" is a single dwelling unit that is contained in a one-family, two-family, or multifamily dwelling as defined in the National Electrical Code pursuant to section 326B.35. A residential dwelling includes a garage and accessory building that can only be used by the residents of the single dwelling unit.

Subd. 28. **Responsible licensed individual.** A contractor's "responsible licensed individual" means the licensed Class A master electrician, Class B master electrician, master elevator constructor, or power limited technician designated in writing by the contractor in the contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the contractor's compliance with sections 326B.31 to 326B.399, all rules adopted under these sections, and all orders issued under section 326B.082. The terms "licensed responsible individual" and "licensed responsible master electrician or power limited technician" are synonymous.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 29. **Technology circuits or systems.** "Technology circuits or systems" means class 2 or class 3 circuits or systems for, but not limited to, remote control, signaling, control, alarm, and audio signal, including associated components as covered by the National Electrical Code, articles 640, 645, 650, 725, 760, 770, and 780, and which are isolated from circuits or systems other than class 2 or class 3 by a demarcation and are not process control circuits or systems; antenna and communication circuits or systems as covered by chapter 8 of the National Electrical Code; and circuitry and equipment for indoor lighting and outdoor landscape lighting systems that are supplied by the secondary circuit of an isolating power supply operating at 30 volts or less as covered by the National Electrical Code, article 411. The planning, laying out, installing, altering, and repairing of technology circuits or systems must be performed in accordance with the applicable requirements of the National Electrical Code pursuant to section 326B.35.

Subd. 30. **Technology system contractor.** "Technology system contractor" means a licensed contractor whose responsible licensed individual is a licensed power limited technician.

Subd. 31. **Satellite broadcast communication system.** "Satellite broadcast communication system" means antenna and receiving equipment for a residential dwelling to receive and transmit communication signals from satellite sources as covered by the National Electrical Code. Satellite broadcast communication system is a subset of technology circuits and systems.

Subd. 32. **Satellite system installer.** "Satellite system installer" means an individual having the necessary training, knowledge, and experience to plan, lay out, supervise, and install, maintain, and repair wiring, apparatus, and equipment for satellite broadcast communication systems.

Subd. 33. **Satellite system contractor.** "Satellite system contractor" means a licensed contractor whose responsible licensed individual is a licensed satellite system installer.

**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 c73s 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 c58s 1; 2007 c 135 art 6 s 1; 2007 c 140 art 5 s 1-18,31,32; art 6 s 2,3; art 13 s 4; 2008 c 337 s 5,6; 2010 c 280 s 22; 2012 c 262 s 1-4; 2013 c 85 art 2 s 27

### 326B.32 BOARD OF ELECTRICITY.

#### Subdivision 1. **Composition.**

(a) The Board of Electricity shall consist of 12 members. Eleven members shall be appointed by the governor with the advice and consent of the senate and shall be voting members. Appointments of members by the governor shall be made in accordance with section 15.066. If the senate votes to refuse to consent to an appointment of a member made by the governor, the governor shall appoint a new member with the advice and consent of the senate. One member shall be the commissioner of labor and industry or the commissioner's designee, who shall be a voting member. Of the 11 appointed members, the composition shall be as follows:

- (1) one member shall be an electrical inspector;



## **Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations**

(2) two members shall be representatives of the electrical suppliers in rural areas;

(3) two members shall be master electricians, who shall be contractors;

(4) two members shall be journeyman electricians;

(5) one member shall be a registered consulting electrical engineer;

(6) two members shall be power limited technicians, who shall be technology system contractors primarily engaged in the business of installing technology circuits or systems; and

(7) one member shall be a public member as defined by section 214.02.

The electrical inspector shall be appointed to a term to end December 31, 2011. One of the rural electrical suppliers shall be appointed for a term to end December 31, 2011. The other rural electrical supplier shall be appointed for a term to end December 31, 2010. The consulting electrical engineer shall be appointed for a term to end December 31, 2011. One of the master electrician contractors shall be appointed for a term to end December 31, 2011. The other master electrician contractor shall be appointed for a term to end December 31, 2010. One of the journeyman electricians shall be appointed for a term to end December 31, 2011. The other journeyman electrician shall be appointed for a term to end December 31, 2010. One of the power limited technicians shall be appointed for a term to end December 31, 2011. The other power limited technician shall be appointed for a term to end December 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

(b) The consulting electrical engineer must possess a current Minnesota professional engineering license and maintain the license for the duration of the term on the board. All other appointed members, except for the public member and the representatives of electrical suppliers in rural areas, must possess a current electrical license issued by the Department of Labor and Industry and maintain that license for the duration of their terms. All appointed members must be residents of Minnesota at the time of and throughout the member's appointment. The term of any appointed member that does not maintain membership qualification status shall end on the date of the status change and the governor shall appoint a new member. It is the responsibility of the member to notify the board of their status change.

(c) For appointed members, except the initial terms designated in paragraph (a), each term shall be three years with the terms ending on December 31. Members appointed by the governor shall be limited to three consecutive terms. The governor shall, all or in part, reappoint the current members or appoint replacement members with the advice and consent of the senate. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Members may serve until their successors are appointed but in no case later than July 1 in a year in which the term expires unless reappointed.

Subd. 2. Powers; duties; administrative support. (a)

The board shall have the power to:

(1) elect its chair, vice-chair, and secretary;

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing other provisions as may be useful and necessary for the efficient conduct of the business of the board;

(3) adopt the Minnesota Electrical Code, which must be the most current edition of the National Electrical Code and any amendments thereto. The board shall adopt the most current edition of the National Electrical Code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b) and (c);

(4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;

(5) adopt rules that regulate the licensure or registration of electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);

(6) adopt rules that regulate continuing education for individuals licensed or registered as electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);

(7) advise the commissioner regarding educational requirements for electrical inspectors;

(8) refer complaints or other communications to the commissioner, whether oral or in writing, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, registration, or an offering to perform or performance of unlicensed electrical services;

(9) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;

(10) approve license reciprocity agreements;

(11) select from its members individuals to serve on any other state advisory council, board, or committee; and

(12) recommend the fees for licenses and certifications.

Except for the powers granted to the Plumbing Board, Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by all of the other boards created pursuant to this chapter. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other

## **Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations**

duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

### **Subd. 3. Compensation.**

(a) Members of the board may be compensated at the rate of \$55 a day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization.

(b) Members who are state employees or employees of the political subdivisions of the state must not receive the daily payment for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or compensation plan for board activities. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their working hours.

(c) The board shall adopt internal standards prescribing what constitutes a day spent on board activities for purposes of making daily payments under this subdivision.

### **Subd. 4. Removal; vacancies.**

(a) An appointed member of the board may be removed by the governor at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings. The chair of the board shall inform the governor of an appointed member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the appointed member in writing that the member may be removed for missing the next meeting. In the case of a vacancy on the board, the governor shall, with the advice and consent of the Senate, appoint a person to fill the vacancy for the remainder of the unexpired term.

(b) Vacancies shall be filled pursuant to section 15.097, subdivisions 5 and 6.

### **Subd. 5. Membership vacancies within three months of appointment.**

Notwithstanding any law to the contrary, when a membership on the board becomes vacant within three months after being filled through the appointments process, the governor may, upon notification to the Office of Secretary of State, choose a new member from the applications on hand and need not repeat the process.

### **Subd. 6. Officers, quorum, voting.**

(a) The board shall elect annually from its members a chair, vice-chair, and secretary. A quorum of the board shall consist of a majority of members of the board qualified to vote on the matter in question. All questions concerning the manner in which a meeting is conducted or

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

called that is not covered by statute shall be determined by Robert's Rules of Order (revised) unless otherwise specified by the bylaws.

(b) Each electrical code amendment considered by the board that receives an affirmative two-thirds or more majority vote of all of the voting members of the board shall be included in the next electrical code rulemaking proceeding initiated by the board. If an electrical code amendment considered, or reconsidered, by the board receives less than a two-thirds majority vote of all of the voting members of the board, the electrical code amendment shall not be included in the next electrical code rulemaking proceeding initiated by the board.

(c) The board may reconsider electrical code amendments during an active electrical code rulemaking proceeding in which the amendment previously failed to receive a two-thirds majority vote or more of all of the voting members of the board only if new or updated information that affects the electrical code amendment is presented to the board. The board may also reconsider failed electrical code amendments in subsequent electrical code rulemaking proceedings.

(d) Each proposed rule and rule amendment considered by the board pursuant to the rulemaking authority specified in subdivision 2, paragraph (a), clauses (5) and (6), that receives an affirmative majority vote of all of the voting members of the board shall be included in the next rulemaking proceeding initiated by the board. If a proposed rule or rule amendment considered, or reconsidered, by the board receives less than an affirmative majority vote of all of the voting members of the board, the proposed rule or rule amendment shall not be included in the next rulemaking proceeding initiated by the board.

(e) The board may reconsider proposed rules or rule amendments during an active rulemaking proceeding in which the amendment previously failed to receive an affirmative majority vote of all of the voting members of the board only if new or updated information that affects the proposed rule or rule amendment is presented to the board. The board may also reconsider failed proposed rules or rule amendments in subsequent rulemaking proceedings.

### Subd. 7. Board meetings.

(a) The board shall hold meetings at such times as the board shall specify. Notice and conduct of all meetings shall be pursuant to chapter 13D and in a manner as the bylaws may provide.

(b) If compliance with section 13D.02 is impractical, the board may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly all discussion and testimony and all votes of members of the board and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the board is physically present at the regular meeting location;  
and

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented costs that the board incurs as a result of the additional connection.

If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and that a person may monitor the meeting electronically from a remote location. Any person monitoring the meeting electronically from a remote location may be required to pay documented costs incurred by the board as a result of the additional connection. The timing and method of providing notice is governed by section 13D.04.

### Subd. 8. **Complaints.**

(a) The board shall promptly forward to the commissioner the substance of any complaint or communication it receives, whether in writing or oral, that alleges or implies a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to the license or registration of any person authorized by the department to provide electrical work, the performance or offering to perform electrical work requiring licensure or registration, or electrical code compliance. Each complaint or communication that is forwarded to the commissioner shall be submitted on a form provided by the commissioner.

(b) The commissioner shall advise the board of the status of the complaint within 90 days after the board's written submission is received, or within 90 days after the board is provided with a written request for additional information or documentation from the commissioner or the commissioner's designee, whichever is later. The commissioner shall advise the board of the disposition of a complaint referred by the board within 180 days after the board's written submission is received. The commissioner shall annually report to the board a summary of the actions taken in response to complaints referred by the board.

### Subd. 9. **Data Practices Act.**

The board is subject to chapter 13, the Minnesota Government Data Practices Act, and shall protect from unlawful disclosure data classified as not public.

### Subd. 10. **Official records.**

The board shall make and preserve all records necessary to a full and accurate knowledge of its official activities in accordance with section 15.17.

**History:** 2007 c 140 art 4 s 61; art 5 s 19,32; art 13 s 4; 2008 c 337 s 7,8

### 326B.33 LICENSES.

Subdivision 1. **Master electrician.** Except as otherwise provided by law, no individual shall perform or supervise electrical work unless the individual is: (a) licensed by the commissioner as a master electrician; and (b)(i) the electrical work is for a licensed contractor and the individual is an employee, partner, or officer of, or is the licensed contractor, or (ii) the electrical work is performed for the individual's employer on electrical wiring, apparatus, equipment, or facilities that are owned or leased by the employer and that are located within the limits of property operated, maintained, and either owned or leased by the employer.

(1) An applicant for a Class A master electrician license shall (a) be a graduate of a four-year electrical course offered by an accredited college or university; or (b) shall have had at least one year of experience, acceptable to the commissioner, as a licensed journeyman; or (c) shall have had at least five years' experience, acceptable to the commissioner, in planning for, laying out, supervising and installing wiring, apparatus, or equipment for electrical light, heat and power.

(2) As of August 1, 1985, no new Class B master electrician licenses shall be issued. An individual who has a Class B master electrician license as of August 1, 1985, may retain and renew the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Subd. 2. **Journeyman electrician,** (a) Except as otherwise provided by law, no individual shall perform and supervise any electrical work except for planning or laying out of electrical work unless:

(1) the individual is licensed by the commissioner as a journeyman electrician; and

(2) the electrical work is:

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

(ii) performed under the supervision of a master electrician also employed by the individual's employer on electrical wiring, apparatus, equipment, or facilities that are owned or leased by the employer and that are located within the limits of property operated, maintained, and either owned or leased by the employer.

(b) An applicant for a Class A journeyman electrician license shall have had at least four years of experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided however, that one year of experience credit for the successful completion of a two-year post high school electrical course approved by the commissioner may be allowed.

(c) As of August 1, 1985, no new Class B journeyman electrician licenses shall be issued. An individual who holds a Class B journeyman electrician license as of August 1, 1985, may retain and renew the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or on single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 3. **Class A installer.** Notwithstanding the provisions of subdivisions 1, 2, and 14, any individual holding a Class A installer license may lay out and install and supervise the laying out and installing of electrical wiring, apparatus, or equipment for major electrical home appliances on the load side of the main service on farmsteads and in any town or municipality with fewer than 1,500 inhabitants, which is not contiguous to a city of the first class and does not contain an established business of a contractor. As of December 1, 2007, no new Class A installer licenses shall be issued. An individual who holds a Class A installer license as of December 1, 2007, may retain and renew the license and exercise the privileges it grants.

Subd. 4. **Class B installer.** Notwithstanding the provisions of subdivisions 1, 2, and 14, any individual holding a Class B installer license may lay out and install electrical wiring, apparatus and equipment on center pivot irrigation booms on the load side of the main service on farmsteads, and install such other electrical equipment as is approved by the commissioner.

Subd. 5. **Coursework or experience.** An applicant for a Class A or B installer license shall have completed a post high school course in electricity approved by the commissioner or shall have had at least one year of experience, approved by the commissioner, in electrical wiring.

Subd. 6. **Bond.** Every Class A and Class B installer, as a condition of licensure, shall give bond to the state in the sum of \$1,000 conditioned upon the faithful and lawful performance of all work contracted for or entered upon by the installer within the state of Minnesota, and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. Such bond shall be in lieu of all other license bonds to any political subdivision of the state. Such bond shall be written by a corporate surety licensed to do business in the state of Minnesota.

Subd. 7. **Power limited technician,** (a) Except as otherwise provided by law, no individual shall install, alter, repair, plan, lay out, or supervise the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for technology circuits or systems unless:

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

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

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

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

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(c) Licensees must attain 16 hours of continuing education acceptable to the board every renewal period.

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

(e) A person who has submitted an application by December 30, 2007, to take the power limited technician examination administered by the department is not required to meet the qualifications set forth in paragraph (b).

Subd. 7a. **Satellite system installer**, (a) Except as otherwise provided by law, no individual shall install, alter, repair, plan, lay out, or supervise the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for satellite broadcast communication systems unless:

(1) the electrical work is for a licensed contractor and the individual is an employee, partner, or officer of, or is the licensed contractor; and

(2) the individual (i) provides certification to the department demonstrating successful completion of the National Standards and Testing Program for satellite system installers sponsored by the Satellite Broadcasting and Communications Association of America, Inc. or other program approved by the board and (ii) has passed an examination administered by the commissioner.

(b) Individuals who fulfill the requirements of this subdivision under paragraph (a), clause (2), are prohibited from performing any other function allowed under the power limited technician license.

(c) Satellite system installers shall be subject to the fees provided for under section 326B.33, subdivision 19, paragraph (b), clause (2).

(d) Satellite system installers must attain four hours of continuing education under rules adopted by the Board of Electricity.

Subd. 8. **Elevator constructor**, (a) An individual licensed as an elevator constructor may install, maintain, and repair electrical wiring, apparatus, and equipment for elevators and escalators while in the employ of an elevator contractor or Class A electrical contractor.

(b) An applicant for an elevator constructor's license shall have at least 36 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for elevators and escalators, provided, however, that one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner may be allowed.

Subd. 9. **Lineman**, (a) An individual licensed as a lineman may install, maintain, and repair transmission and distribution systems that are or will be owned or leased by an electric utility.

(b) An applicant for a lineman's license shall have at least 48 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for an electrical utility.



Subd. 10. **Maintenance electrician**, (a) An individual licensed as a maintenance electrician may maintain and repair electrical wiring, apparatus, and equipment while in the ^ employ of a contractor, or as a full-time employee of a single employer while engaged in the maintenance and repair of electrical wiring, apparatus, and equipment owned or leased by the employer and located within the limits of property owned or leased by the employer.

(b) An applicant for a maintenance electrician's license shall have at least 48 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided, however, that one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner may be allowed.

Subd. 11. **Master elevator constructor**, (a) An individual licensed as a master elevator constructor may, while licensed as an elevator electrical contractor or while in the employ of an elevator contractor or Class A electrical contractor, plan, lay out, supervise and install, maintain, and repair wiring, apparatus, and equipment for elevators and escalators.

(b) An applicant for a master elevator constructor's license shall have at least 60 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for elevators and escalators, provided, however, that one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner may be allowed.

Subd. 12. **Unlicensed individuals**, (a) An unlicensed individual means an individual who has not been licensed by the department to perform specific electrical work. An unlicensed individual shall not perform electrical work required to be performed by a licensed individual ^ unless the individual has first registered with the department as an unlicensed individual. Thereafter, an unlicensed individual shall not perform electrical work required to be performed by a licensed individual unless the work is performed under the direct supervision of an individual actually licensed to perform such work. The licensed individual and unlicensed individual must be employed by the same employer. Licensed individuals shall not permit unlicensed individuals to perform electrical work except under the direct supervision of an individual actually licensed to perform such work. Unlicensed individuals shall not supervise the performance of electrical work or make assignments of electrical work to unlicensed individuals. Except for technology circuits or systems work, licensed individuals shall supervise no more than two unlicensed individuals. For technology circuits or systems work, licensed individuals shall supervise no more than three unlicensed individuals.

(b) Notwithstanding any other provision of this section, no individual other than a master electrician or power limited technician shall plan or lay out electrical wiring, apparatus, or equipment for light, heat, power, or other purposes, except circuits or systems exempted from personal licensing by subdivision 21, paragraph (b).

(c) Contractors employing unlicensed individuals to perform electrical work shall maintain records establishing compliance with this subdivision that shall identify all unlicensed individuals performing electrical work, except for individuals working on circuits or systems exempted from personal licensing by subdivision 21, paragraph (b), and shall permit the department to examine and copy all such records.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(d) When a licensed individual supervises the electrical work of an unlicensed individual, the licensed individual is responsible for ensuring that the electrical work complies with the Minnesota Electrical Act and all rules adopted under the act.

Subd. 13. **Registration of unlicensed individuals.** Unlicensed individuals performing electrical work for a contractor or employer shall register with the department in the manner prescribed by the commissioner. Experience credit for electrical work performed in Minnesota after January 1, 2009, by an applicant for a license identified in this section shall not be granted where the applicant has not registered with or is not licensed by the department.

Subd. 14. **Contractor's license required.** Except as otherwise provided by law, no individual other than an employee, partner, or officer of a licensed contractor, as defined by section 326B.31, subdivision 14, shall perform or offer to perform electrical work with or without compensation unless the individual obtains a contractor's license. A contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of personal license.

Subd. 15. **Bond required.** As a condition of licensing, each contractor shall give and maintain bond to the state in the sum of \$25,000 conditioned upon the faithful and lawful performance of all work contracted for or performed by the contractor within the state of Minnesota and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. The bond shall be filed with the commissioner and shall be in lieu of all other license bonds to any other political subdivision. Such bond shall be written by a corporate surety licensed to do business in the state of Minnesota.

Subd. 16. **Insurance required.** Each contractor shall have and maintain in effect general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance with limits of at least \$50,000 or a policy with a single limit for bodily injury and property damage of \$300,000 per occurrence and \$300,000 aggregate limits. Such insurance shall be written by an insurer licensed to do business in the state of Minnesota and each contractor shall maintain on file with the commissioner a certificate evidencing such insurance. In the event of a policy cancellation, the insurer shall send written notice to the commissioner at the same time that a cancellation request is received from or a notice is sent to the insured.

Subd. 17. **Employment of master electrician, satellite system installer, or power limited technician,** (a) Each contractor must designate a responsible master electrician, satellite system installer, or power limited technician, who shall be responsible for the performance of all electrical work in accordance with the requirements of sections 326B.31 to 326B.399, all rules adopted under these sections, and all orders issued under section 326B.082. The classes of work that a licensed contractor is authorized to perform shall be limited to the classes of work that the responsible master electrician, satellite system installer, or power limited electrician is licensed to perform.

(b) When a contractor's license is held by an individual, sole proprietorship, partnership, limited liability company, or corporation and the individual, proprietor, one of the partners, one of the members, or an officer of the corporation, respectively, is not the responsible master electrician or power limited technician, all requests for inspection shall be signed by the responsible master electrician, satellite system installer, or power limited technician. If the contractor is an individual or a sole proprietorship, the responsible licensed individual must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed individual must be a general partner or managing employee. If the licensed contractor is a limited liability company, the responsible licensed individual must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed individual must be an officer or managing employee. If the responsible licensed individual is a managing employee, the responsible licensed individual must be actively engaged in performing electrical work on behalf of the contractor, and cannot be employed in any capacity as an electrician, installer, or technician by any other contractor or employer designated in subdivision 21. An individual may be the responsible licensed individual for only one contractor or employer.

(c) All applications and renewals for contractor licenses shall include a verified statement that the applicant or licensee has complied with this subdivision.

Subd. 18. **Examination.** In addition to the other requirements described in this section and sections 326B.091 to 326B.098, and except as provided in subdivision 20, as a precondition to issuance of a personal license, each applicant must pass a written or oral examination developed and administered by the commissioner to ensure the competence of each applicant for license. An oral examination shall be administered only to an applicant who furnishes a written statement from a certified teacher or other professional, trained in the area of reading disabilities stating that the applicant has a specific reading disability which would prevent the applicant from performing satisfactorily on a written test. The oral examination shall be structured so that an applicant who passes the examination will not impair the applicant's own safety or that of others while acting as a licensed individual.

Subd. 19. **License, registration, and renewal fees; expiration,** (a) Unless revoked or suspended under this chapter, all licenses issued or renewed under this section expire on the date specified in this subdivision. Master licenses expire March 1 of each odd-numbered year after issuance or renewal. Electrical contractor licenses expire March 1 of each even-numbered year after issuance or renewal. Technology system contractor and satellite system contractor licenses expire August 1 of each even-numbered year after issuance or renewal. All other personal licenses expire two years from the date of original issuance and every two years thereafter. Registrations of unlicensed individuals expire one year from the date of original issuance and every year thereafter.

(b) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the registration of an unlicensed individual under subdivision 12 shall be considered an entry level license;

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(2) the following licenses shall be considered journeyman licenses: Class A journeyman electrician, Class B journeyman electrician, Class A installer, Class B installer, lineman, maintenance electrician, satellite system installer, and power limited technician;

(3) the following licenses shall be considered master licenses: Class A master electrician and Class B master electrician; and

(4) the following licenses shall be considered business licenses: Class A electrical contractor, Class B electrical contractor, satellite system contractor, and technology systems contractor.

(c) For each filing of a certificate of responsible person by an employer, the fee is \$100.

Subd. 20. Reciprocity. The commissioner may enter into reciprocity agreements for personal licenses with another state if approved by the board. Once approved by the board, the commissioner may issue a personal license without requiring the applicant to pass an examination provided the applicant:

(a) submits an application under this section;

(b) pays the application and examination fee and license fee required under section 326B.092; and

(c) holds a valid comparable license in the state participating in the agreement.

Agreements are subject to the following:

(1) The parties to the agreement must administer a statewide licensing program that includes examination and qualifying experience or training comparable to Minnesota's.

(2) The experience and training requirements under which an individual applicant qualified for examination in the qualifying state must be deemed equal to or greater than required for an applicant making application in Minnesota at the time the applicant acquired the license in the qualifying state.

(3) The applicant must have acquired the license in the qualifying state through an examination deemed equivalent to the same class of license examination in Minnesota. A lesser class of license may be granted where the applicant has acquired a greater class of license in the qualifying state and the applicant otherwise meets the conditions of this subdivision.

(4) At the time of application, the applicant must hold a valid license in the qualifying state and have held the license continuously for at least one year before making application in Minnesota.

(5) An applicant is not eligible for a license under this subdivision if the applicant has failed the same or greater class of license examination in Minnesota, or if the applicant's license of the same or greater class has been revoked or suspended.

(6) An applicant who has failed to renew a personal license for two years or more after its expiration is not eligible for a license under this subdivision.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 21. **Exemptions from licensing,** (a) An individual who is a maintenance electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399 if:

(1) the individual is engaged in the maintenance and repair of electrical equipment, apparatus, and facilities that are owned or leased by the individual's employer and that are located within the limits of property operated, maintained, and either owned or leased by the individual's employer;

(2) the individual is supervised by:

(i) the responsible master electrician for a contractor who has contracted with the individual's employer to provide services for which a contractor's license is required; or

(ii) a licensed master electrician, a licensed maintenance electrician, an electrical engineer, or, if the maintenance and repair work is limited to technology circuits or systems work, a licensed power limited technician; and

(3) the individual's employer has on file with the commissioner a current certificate of responsible person, signed by the responsible master electrician of the contractor, the licensed master electrician, the licensed maintenance electrician, the electrical engineer, or the licensed power limited technician, and stating that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees complies with the Minnesota Electrical Act and the rules adopted under that act. The employer must pay a filing fee to file a certificate of responsible person with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible person, the employer must resubmit a certificate of responsible person, with a filing fee, no later than two years from the date of the previous submittal.

(b) Employees of a licensed electrical or technology systems contractor or other employer where provided with supervision by a master electrician in accordance with subdivision 1, or power limited technician in accordance with subdivision 7, paragraph (a), clause (1), are not required to hold a license under sections 326B.31 to 326B.399 for the planning, laying out, installing, altering, and repairing of technology circuits or systems except planning, laying out, or installing:

(1) in other than residential dwellings, class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3, except circuits that interconnect these systems through communication, alarm, and security systems are exempted from this paragraph;

(2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing physically unprotected circuits other than class 2 or class 3; or

(3) technology circuits or systems in hazardous classified locations as covered by chapter 5 of the National Electrical Code.

(c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and class 3 remote control wiring associated with plug or cord and plug connected appliances other than security or fire alarm systems installed in a residential dwelling are not required to hold a license under sections 326B.31 to 326B.399.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(d) Heating, ventilating, air conditioning, and refrigeration contractors and their employees are not required to hold or obtain a license under sections 326B.31 to 326B.399 when performing heating, ventilating, air conditioning, or refrigeration work as described in section 326B.38.

(e) Employees of any electrical, communications, or railway utility, cable communications company as defined in section 238.02, or a telephone company as defined under section 237.01 or its employees, or of any independent contractor performing work on behalf of any such utility, cable communications company, or telephone company, shall not be required to hold a license under sections 326B.31 to 326B.399:

(1) while performing work on installations, materials, or equipment which are owned or leased, and operated and maintained by such utility, cable communications company, or telephone company in the exercise of its utility, antenna, or telephone function, and which:

(i) are used exclusively for the generation, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence and do not have as a principal function the consumption or use of electric current or provided service by or for the benefit of any person other than such utility, cable communications company, or telephone company; and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(2) while performing work on installations, materials, or equipment which are a part of the street lighting operations of such utility; or

(3) while installing or performing work on outdoor area lights which are directly connected to a utility's distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction.

(f) An owner shall not be required to hold or obtain a license under sections 326B.31 to 326B.399.

(g) Companies and their employees licensed under section 326B.164 shall not be required to hold or obtain a license under sections 326B.31 to 326B.399 while performing elevator work.

*History: 1967 c 602 s 2; 1976 c 222 s 168,169; 1979 c 121 s 2; 1981 c 63 s 1; 1981 c 195s 1; 1985 c73s 5-9; 1985c 248s 70; 1Sp1985c 6 s 4,5; 1986c 373s 3-6; 1986c 444; 1991 c 289 s 11-29; 2002 c 328 s 9-21; 2003 c58s 2-4; 2005 c62s 1; 2007 c 135 art 6 s 3-7; 2007 c 140 art 5 s 20,32; art 13 s 4; 2008 c 337 s 9-16,65; 2009 c 78 art 5 s 12,13; 2010 c 280 s 23; 2010 c 347 art 3 s 20-23,76; 2010 c 384 s 86; 2010 c 385 s 6; 2012 c 262 s 5-7; 2013 c 85 art 2 s 28,29*

### **326B.34 ALARM AND COMMUNICATION SYSTEMS.**

Subdivision 1. **Exemption.** No licensed power limited technician, technology system contractor, or individual employed by a technology system contractor may be required to obtain any authorization, permit, franchise, or license from, or pay any fee, franchise tax, or other assessment to, any agency, department, board, or political subdivision of the state as a condition for performing any work within the scope of the license.

Subd. 2. **Limitation.** Nothing in this section prohibits a unit of local government from charging a franchise fee to the operator of a cable communications company as defined in section 238.02.

**History:** *1Sp1985c 6 s 1; 1986c373s 7; 1987c279s 2; 1995c233art2s 52; 1997c 7art1 s 125; 2002 c 328 s 22,23; 2003 c58s 5; 2007 c 140 art 5 s 32; art 13 s 4*

### **326B.35 SAFETY STANDARDS.**

All electrical wiring, apparatus and equipment for electrical light, heat and power, technology circuits or systems shall comply with the rules of the department and the board and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the rules and safety standards stated at the time the work is done in the then most current edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota Building Code is formulated pursuant to section 326B.106, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota Building Code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

**History:** *1967 c 602 s 3; Ex1967 c 1 s 6; 1971 c25s 67; 1983 c289s114 subd 1; 1984 c 544 s 89; 1984 c 655 art 1 s 92; 1985 c73s 10; 1985 c 248 s 70; 1Sp1985 c6s6; 1Sp2001 c 4 art 6 s 74; 2002 c 328 s 24; 2007 c 140 art 4 s 61; art 5 s 21,32; art 13 s 4*

### **326B.36 INSPECTION.**

Subdivision 1. **Required inspection.** Except where any political subdivision has by ordinance provided for electrical inspection similar to that herein provided, every new electrical installation in any construction, remodeling, replacement, or repair, except minor repair work as the same is defined by rule, shall be inspected by the commissioner for compliance with accepted standards of construction for safety to life and property.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 2. **Technology systems**, (a) The installation of the technology circuits or systems described in paragraph (b), except:

(1) minor work performed by a contractor;

(2) work performed by a heating, ventilating, or air conditioning contractor as described in section 326B.38; and

(3) work performed by cable company employees when installing cable communications systems or telephone company employees when installing telephone systems,

must be inspected as provided in this section for compliance with the applicable provisions of the National Electrical Code and the applicable provisions of the National Electrical Safety Code, as those codes were approved by the American National Standards Institute.

(b) The inspection requirements in paragraph (a) apply to:

(1) class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3, except circuits that interconnect these systems exempted by section 326B.33, subdivision 21, paragraph (b), other than fire alarm; class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing physically unprotected circuits other than class 2 or class 3; or technology circuits and systems in hazardous classified locations as covered by chapter 5 of the National Electrical Code;

(2) fire alarm systems, other than in one- or two-family dwellings, as defined in articles 100 and 760 of the National Electrical Code;

(3) technology circuits and systems contained within critical care areas of health care facilities as defined by the safety standards identified in section 326B.35, including, but not limited to, anesthesia and resuscitative alarm and alerting systems, medical monitoring, and nurse call systems;

(4) physical security systems within detention facilities; and

(5) circuitry and equipment for indoor lighting systems as defined in article 411 of the National Electrical Code.

(c) For the purposes of this subdivision "minor work" means the adjustment or repair and replacement of worn or defective parts of a technology circuit or system. Minor work may be inspected under this section at the request of the owner of the property or the person doing the work.

(d) Notwithstanding this subdivision, if an electrical inspector observes that a contractor, employer, or owner has not complied with accepted standards when the work was performed, as provided in the most recent editions of the National Electrical Code and the National Electrical Safety Code as approved by the American National Standards Institute, the inspector may order the contractor, employer, or owner who has performed the work to file a request for electrical inspection, pay an inspection fee, and make any necessary repairs to comply with applicable standards and require that the work be inspected.



## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 3. **Licenses; bond.** All inspectors shall hold licenses as master or journeyman electricians under this chapter. All inspectors under contract with the department to provide electrical inspection services shall give bond in the amount of \$1,000, conditioned upon the faithful performance of their duties.

### Subd. 4. **Procedure.**

(a) At or before commencement of any installation required to be inspected by the commissioner, the contractor, installer, special electrician, or owner making the installation shall submit to the commissioner a request for inspection, in a form prescribed by the commissioner, together with the fees required for the installation.

(b) The fees required are a handling fee and an inspection fee. The handling fee shall be set by the commissioner in an amount sufficient to pay the cost of printing and handling the form requesting an inspection. The inspection fee shall be set by the commissioner in an amount sufficient to pay the actual costs of the inspection and the commissioner's costs in administering the inspection. All fees shall be set pursuant to the procedure of sections 14.001 to 14.69.

(c) If the inspector finds that the installation is not in compliance with accepted standards of construction for safety to life and property as required by section 326B.35, the inspector shall by written order condemn the installation or noncomplying portion thereof, or order service to the installation disconnected, and shall send a copy of the order to the commissioner. If the installation or the noncomplying part will seriously and proximately endanger human life and property, the order of the inspector, when approved by the inspector's superior, shall require immediate condemnation or disconnection. In all other cases, the order of the inspector shall permit a reasonable opportunity for the installation to be brought into compliance with accepted standards of construction for safety to life and property prior to the effective time established for condemnation or disconnection.

(d) Copies of each condemnation or disconnection order shall be served personally or by mail upon the property owner, and the contractor, installer, or special electrician making the installation, and other persons as the commissioner by rule may direct. An aggrieved party may appeal any condemnation or disconnection order by filing with the commissioner a notice of appeal within ten days after (1) service upon the aggrieved party of the condemnation or disconnection order, if this service is required, or (2) filing of the order with the commissioner, whichever is later. The appeal shall proceed and the order of the inspector shall have the effect the order, by its terms, and the rules of the commissioner provides. The commissioner shall adopt rules providing procedures for the conduct of appeals, including provisions for the stay of enforcement of the order of the inspector pending such appeal when justified by the circumstances.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

**Subd. 5. Duty of electrical utility.** No electrical installation subject to inspection by the commissioner shall be newly connected or reconnected for use until there is filed with the electrical utility supplying power a certificate of the property owner or licensed electrician, directing the work that inspection has been requested and that the conditions of the installation are safe for energization, provided further, that in all cases where an order of condemnation or disconnection has been issued against the installation or any part thereof, prior to connection or reconnection there shall also first be filed with the electrical utility supplying the power a copy of an order of the inspector or the commissioner dismissing such prior order of condemnation or disconnection or approving the installation as being in compliance with accepted standards of construction for safety to life and property. With respect to transient projects, the aforesaid certificate shall also contain a certification that the request for inspection has been or will be filed with the commissioner so as to be received by it at least five days prior to the date and time energization of the installation by the utility is to occur, and that the request for inspection states such date and time, and it shall be the responsibility of the commissioner to have inspection of such transient project occur prior to the date and time at which the request states energization is to occur.

### **Subd. 6. Powers of political subdivisions.**

Any political subdivision or the University of Minnesota may make provision for inspection of electrical installations within its jurisdiction, in which case it shall keep on file with the commissioner copies of its current inspection ordinances and codes. No political subdivision or the University of Minnesota shall require any individual, partnership, corporation or other business association holding a license from the commissioner under sections 326B.31 to 326B.399 to pay any license or registration fee, provided however, that any such political subdivision or the University of Minnesota may provide by ordinance a requirement that each individual, partnership, corporation or other business association doing electrical work within the jurisdiction of such political subdivision or the University of Minnesota have on file with said political subdivision a copy of the current license issued by the commissioner or such other evidence of such license as may be provided by the commissioner.

Each electrical inspector of any political subdivision or the University of Minnesota shall be a licensed master or journeyman electrician under section 326B.33, subdivision 1, paragraph (1), or 2, paragraph (b), and shall not otherwise engage or be employed in the sale, installing, altering, or repairing of electrical wiring, apparatus, or equipment for light, heat, power, and other purposes and shall have no financial interest in any concern engaged in any such business.

**Subd. 7. Exemptions from inspections.** Installations, materials, or equipment shall not be subject to inspection under sections 326B.31 to 326B.399:

(1) when owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326B.31 to 326B.399, while performing electrical maintenance work only as defined by rule;

(2) when owned or leased, and operated and maintained by any electrical, communications, or railway utility, cable communications company as defined in section 238.02, or telephone company as defined under section 237.01, in the exercise of its utility, antenna, or telephone function; and

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(i) are used exclusively for the generations, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility, cable communications company, or telephone company; and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(3) when used in the street lighting operations of an electrical utility;

(4) when used as outdoor area lights which are owned and operated by an electrical utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction;

(5) when the installation, material, and equipment are in facilities subject to the jurisdiction of the federal Mine Safety and Health Act; or

(6) when the installation, material, and equipment is part of an elevator installation for which the elevator contractor, licensed under section 326B.164, is required to obtain a permit from the authority having jurisdiction as provided by section 326B.184, and the inspection has been or will be performed by an elevator inspector certified and licensed by the department. This exemption shall apply only to installations, material, and equipment permitted or required to be connected on the load side of the disconnecting means required for elevator equipment under National Electrical Code Article 620, and elevator communications and alarm systems within the machine room, car, hoistway, or elevator lobby.

**History:** 1967 c 602 s 4; 1981 c 357 s 81; 1982 c 424 s 130; 1985 c 73s 11-13; 1985 c 248s 70; 1Sp1985c 6 s 7-9; 1986c 373s 8,9; 1987c358s 117; 1987c384 art2s 1; 1990 c 422 s 10; 1991 c 289 s 30-32; 1995 c 166 s 16,17; 2002 c 328 s 25-28; 2003 c 58 s 6,7; 2007 c 140 art 4 s 61; art 5 s 22-27,32; art 13 s 4; 2008 c 337 s 17,18; 2013 c 85 art 2 s 30

### **326B.37 INSPECTION FEE SCHEDULE.**

Subdivision 1. **Schedule.** State electrical inspection fees shall be calculated in accordance with subdivisions 2 to 14.

#### **Subd. 2. Fee for each separate inspection.**

The minimum fee for each separate inspection of an installation, replacement, alteration, or repair is \$35. Except as otherwise provided in this section, the maximum number of separate inspections allowed without payment of an additional fee is the whole number resulting from dividing by 35 the total fee calculated in accordance with this section. Where additional separate inspections are necessary, additional fees are required to result in a value equal to the total number of separate inspections multiplied by 35. The fee for any inspections needed after a "final inspection" is performed shall be calculated without consideration of any fee paid before the final inspection.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

### Subd. 3. **Fee for service, generator, other power source, or feeder to separate structure.**

The inspection fee for the installation, addition, alteration, or repair of each service, change of service, temporary service, generator, other power supply source, or feeder to a separate structure is:

- (1) 0 ampere to and including 400 ampere capacity, \$35;
- (2) 401 ampere to and including 800 ampere capacity, \$60; and
- (3) ampere capacity above 800, \$100.

Where multiple disconnects are grouped at a single location and are supplied by a single set of supply conductors the cumulative rating of the overcurrent devices shall be used to determine the supply ampere capacity.

### Subd. 4. **Fee for circuit, feeder, feeder tap, or set of transformer secondary conductors.**

The inspection fee for the installation, addition, alteration, or repair of each circuit, feeder, feeder tap, or set of transformer secondary conductors, including the equipment served, is:

- (1) 0 ampere to and including 200 ampere capacity, \$6; and
- (2) ampere capacity above 200, \$15.

Where existing feeders and circuits are reconnected to overcurrent devices installed as part of the replacement of an existing disconnect, switchboard, motor control center, or panelboard, the inspection fee for each circuit or feeder is \$2.

### Subd. 5. **Inspection fee for dwelling.**

(a) The inspection fee for a one-family dwelling and each dwelling unit of a two-family dwelling is the following:

- (1) the fee for each service or other source of power as provided in subdivision 3;
- (2) \$100 for up to 30 feeders and circuits; and
- (3) for each additional feeder or circuit, the fee as provided in subdivision 4.

This fee applies to each separate installation for new dwellings and where 15 or more feeders or circuits are installed or extended in connection with any addition, alteration, or repair to existing dwellings. Where existing feeders and circuits are reconnected to overcurrent devices installed as part of the replacement of an existing panelboard, the fee for each reconnected feeder or circuit is \$2. The maximum number of separate inspections shall be determined in accordance with subdivision 2. The fee for additional inspections or other installations is that specified in subdivisions 2, 4, 6, and 8. The installer may submit fees for additional inspections when filing the request for electrical inspection. The fee for each detached accessory structure directly associated with a dwelling unit shall be calculated in accordance with subdivisions 3 and 4. When included on the same request for electrical inspection form, inspection fees for detached accessory structures directly associated with the dwelling unit may be combined with the dwelling unit fees to determine the maximum number of separate inspections in accordance with subdivision 2.

(b) The inspection fee for each dwelling unit of a multifamily dwelling with three or more dwelling units is \$70 for a combination of up to 20 feeders and circuits and \$6 for each additional feeder or circuit. This fee applies to each separate installation for each new dwelling unit and where ten or more feeders or circuits are installed or extended in connection with any addition, alteration, or repair to existing dwelling units. Where existing feeders or circuits are reconnected to overcurrent devices installed as part of the replacement of an existing panelboard, the fee for each reconnected feeder or circuit is \$2. The maximum number of separate inspections for each dwelling unit shall be determined in accordance with subdivision 2. The fee for additional inspections or for inspection of other installations is that specified in subdivisions 2, 4, 6, and 8. These fees include only inspection of the wiring within individual dwelling units and the final feeder to that unit where the multifamily dwelling is provided with common service equipment and each dwelling unit is supplied by a separate feeder or feeders extended from common service or distribution equipment. The fee for multifamily dwelling services or other power source supplies and all other circuits is that specified in subdivisions 2 to 4.

(c) A separate request for electrical inspection form must be filed for each dwelling unit that is supplied with an individual set of service entrance conductors. These fees are the one-family dwelling rate specified in paragraph (a).

**Subd. 6. Additions to fees of subdivisions 3 to 5.**

(a) The fee for the electrical supply for each manufactured home park lot is \$35. This fee includes the service or feeder conductors up to and including the service equipment or disconnecting means. The fee for feeders and circuits that extend from the service or disconnecting means is that specified in subdivision 4.

(b) The fee for each recreational vehicle site electrical supply equipment is \$6 for each circuit originating within the equipment. The fee for recreational vehicle park services, feeders, and circuits is that specified in subdivisions 3 and 4.

(c) The fee for each street, parking lot, or outdoor area lighting standard and each traffic signal standard is \$5. Circuits originating within the standard or traffic signal controller shall not be used when calculating the fee for each standard.

(d) The fee for transformers for light, heat, and power is \$15 for transformers rated up to ten kilovolt-amperes and \$30 for transformers rated in excess of ten kilovolt-amperes. The previous sentence does not apply to Class 1 transformers or power supplies for Class 1 power-limited circuits or to Class 2 or Class 3 transformers or power supplies.

(e) The fee for transformers and electronic power supplies for electric signs and outline lighting is \$5 per unit.

(f) The fee for technology circuits or systems, and circuits of less than 50 volts, is 75 cents for each system device or apparatus.

(g) The fee for each separate inspection of the bonding for a swimming pool, spa, fountain, an equipotential plane for an agricultural confinement area, or similar installation is \$35. Bonding conductors and connections require an inspection before being concealed.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(h) The fee for all wiring installed on center pivot irrigation booms is \$35 plus \$5 for each electrical drive unit.

(i) The fee for retrofit modifications to existing lighting fixtures is 25 cents per luminaire.

(j) When a separate inspection of a concrete-encased grounding electrode is performed, the fee is \$35.

(k) The fees required by subdivisions 3 and 4 are doubled for installations over 600 volts.

### Subd. 7. **Investigation fee: work without electrical inspection request.**

(a) Whenever any work for which a request for electrical inspection is required has begun without the request for electrical inspection form being filed with the commissioner, a special investigation shall be made before a request for electrical inspection form is accepted.

(b) An investigation fee, in addition to the full fee required by subdivisions 1 to 6, shall be paid before an inspection is made. The investigation fee is two times the minimum fee specified in subdivision 2 or the inspection fee required by subdivisions 1 to 6, whichever is greater, not to exceed \$1,000. The payment of the investigation fee does not exempt any person from compliance with all other provisions of the department rules or statutes nor from any penalty prescribed by law.

### Subd. 8. **Reinspection fee.**

Notwithstanding the provisions of subdivisions 2 and 5, when reinspection is necessary to determine whether unsafe conditions identified during a final inspection have been corrected and the conditions are not the subject of an appeal pending before the commissioner or any court, a reinspection fee of \$35 shall be assessed in writing by the inspector.

### Subd. 9. **Supplemental fee.**

When inspections scheduled by the installer are preempted, obstructed, prevented, or otherwise not able to be completed as scheduled due to circumstances beyond the control of the inspector, a supplemental inspection fee of \$35 shall be assessed in writing by the inspector.

### Subd. 10. **Special inspection.**

For inspections not covered in this section, or for requested special inspections or services, the fee is \$80 per hour, including travel time, plus the standard mileage rate per mile traveled, plus the reasonable cost of equipment or material consumed. This provision is applicable to inspection of empty conduits and other jobs as may be determined by the commissioner. This fee may also be assessed when installations are not accessible by roadway and require alternate forms of transportation or are located in the Northwest Angle, or when inspections are performed outside of Minnesota. For purposes of this subdivision, the standard mileage rate is the standard mileage rate effective at the time of travel, as established by the Internal Revenue Service for computing the deductible costs of operating an automobile for business expense purposes.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

### Subd. 11. **Inspection of transitory project.**

(a) For inspection of transitory projects including, but not limited to, festivals, fairs, carnivals, circuses, shows, production sites, and portable road construction plants, the inspection procedures and fees are as specified in paragraphs (b) to (i).

(b) The fee for inspection of each generator or other source of supply is that specified in subdivision 3. A like fee is required at each engagement or setup.

(c) In addition to the fee for generators or other sources of supply, there must be an inspection of all installed feeders, circuits, and equipment at each engagement or setup at the hourly rate specified in subdivision 10, with a one-hour minimum.

(d) An owner, operator, or appointed representative of a transitory enterprise including, but not limited to, festivals, fairs, carnivals, circuses, production companies, shows, portable road construction plants, and similar enterprises shall notify the commissioner of its itinerary or schedule and make application for initial inspection a minimum of 14 days before its first engagement or setup. An owner, operator, or appointed representative of a transitory enterprise who fails to notify the commissioner 14 days before its first engagement or setup may be subject to the investigation fees specified in subdivision 7. The owner, operator, or appointed representative shall request inspection and pay the inspection fee for each subsequent engagement or setup at the time of the initial inspection.

For subsequent engagements or setups not listed on the itinerary or schedule submitted to the commissioner and where the commissioner is not notified at least 48 hours in advance, a charge of \$100 may be made in addition to all required fees.

(e) Amusement rides, devices, concessions, attractions, or other units must be inspected at their first appearance of the year. The inspection fee is \$35 per unit with a supply of up to 60 amperes and \$40 per unit with a supply above 60 amperes.

(f) An additional fee at the hourly rate specified in subdivision 10 must be charged for additional time spent by each inspector if equipment is not ready or available for inspection at the time and date specified on the application for initial inspection or the request for electrical inspection form.

(g) In addition to the fees specified in paragraphs (a) and (b), a fee of one hour at the hourly rate specified in subdivision 10 must be charged for inspections required to be performed on Saturdays, Sundays, holidays, or after regular business hours.

(h) The fee for reinspection of corrections or supplemental inspections where an additional trip is necessary may be assessed as specified in subdivision 8.

(i) The commissioner shall retain the inspection fee when an owner, operator, or appointed representative of a transitory enterprise fails to notify the commissioner at least 48 hours in advance of a scheduled inspection that is canceled.

### Subd. 12. **Negotiated fee.**

When the fee calculated in accordance with subdivisions 2 to 11 results in a total fee that unreasonably exceeds the cost of inspection, the commissioner may negotiate a fee that more reasonably offsets the cost of inspection.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

Subd. 13. [Repealed, 2010 c 280 s 40; 2010 c 347 art 3 s 75]

Subd. 14. **National Electrical Code used for interpretation of provisions.**

For purposes of interpretation of this section and Minnesota Rules, chapter 3800, the most recently adopted edition of the National Electrical Code shall be prima facie evidence of the definitions, interpretations, and scope of words and terms used.

Subd. 15. **Utility interconnected wind generation installations.**

(a) Fees associated with utility interconnected generation installations consisting of one or more generator sources interconnected with a utility power system and not supplying other premises loads are calculated according to paragraph (b) or (c).

(b) The inspection fee is calculated according to subdivisions 2, 3,4, and 6, paragraphs (d), (0, 0). <sup>anc</sup> (k)- A fee must be included for the generators and utility interconnect feeders, but not for a utility service.

(c) There is a plan review fee and an inspection fee for the entire electrical installation. The plan review fee is based on the valuation of the electrical installation related to one of the generator systems that is part of the overall installation, not to include the supporting tower or other nonelectrical equipment or structures, calculated according to section 326B.153, subdivision 2. The inspection fee is \$80 for each individual tower, including any voltage matching transformers located at the tower, and the fee for the feeders interconnecting the individual towers to the utility power system is calculated according to subdivisions 4 and 6, paragraph (k).

**History:** 2000 c 488 art 2 s 21; 2007 c 135 art 6 s 8; 2007 c 140 art 5 s 28,32; art 13 s 4; 2013 c 85 art 2 s 31

### **326B.38 MANUFACTURED ELECTRICAL PARTS; EXEMPTION.**

Subdivision 1. **Manufacturers.**

Electrical components, apparatus, or appliances being manufactured within the limits of property which is owned or leased by a manufacturer and such manufacturer's production employees are not covered by sections 326B.31 to 326B.399.

Subd. 2. **Electrical appliance units.**

Installation, alteration, or repair of electrical appliance units are not covered by sections 326B.31 to 326B.399. For the purposes of this section, "electrical appliance units" means all electrical and fossil fuel appliances that use electricity including, but not limited to, furnaces, water heaters, stoves, clothes washers, dryers, and dishwashers. The installation of electrical wiring to an electrical appliance unit is covered by sections 326B.31 to 326B.399.



**Subd. 3. Other units.**

Planning, laying out, and installation of heating, ventilating, air conditioning, or refrigeration units are not covered by sections 326B.31 to 326B.399. For purposes of this section, heating, ventilating, air conditioning, or refrigeration units include, but are not limited to, air conditioning units, air conditioning evaporators, air conditioning condensers, air conditioning and refrigeration chillers, boilers, furnaces, air handling units, rooftop units, humidifiers, ice makers, and supermarket, ice arena, and bar/restaurant equipment. The installation of electrical wiring to the unit is covered by sections 326B.31 to 326B.399.

**Subd. 4. Other equipment.**

Planning, laying out, alteration, replacement, or repair of heating, ventilating, air conditioning, or refrigeration equipment, and associated devices, controls, and wiring including wiring in or on the equipment, are not covered by sections 326B.31 to 326B.399 when the work is performed by an employee of a heating, ventilating, air conditioning, or refrigeration contractor provided that the employee performing the work has received a certificate of completion from a heating, ventilating, air conditioning, or refrigeration apprenticeship program approved by the state of Minnesota or any class of personal license issued by the commissioner. Employees registered in an approved heating, ventilating, air conditioning, or refrigeration program may design, plan, alter, replace, or repair heating, ventilating, air conditioning, or refrigeration equipment, devices, and controls including wiring in or on the equipment, under the direction of an employee who has a certificate of completion from an approved program or any class of personal license issued by the commissioner. The installation of electrical wiring to the unit is covered by sections 326B.31 to 326B.399.

**History:** 1967 c 602 s 5; 1986 c 373 s 10; 1991 c 289 s 33; 2002 c 328 s 29; 2007 c 140 art 5 s 29,32; art 13 s 4

**326B.399 CITATION.**

Sections 326B.31 to 326B.399 shall be known as the Minnesota Electrical Act.

**History:** 1967 c 602 s 8; 1986 c 373 s 12; 2007 c 140 art 5 s 30,32; art 13 s 4

**Minnesota Rules Chapter 3800: Regulation of Electricians  
as adopted by the Minnesota Board of Electricity**

**3800.3500 DEFINITIONS.**

**Subpart 1. Words, terms, and phrases.** For the purposes of this chapter and the Minnesota Electrical Act, Minnesota Statutes, sections 326B.31 to 326B.399, the following terms have the meanings given them. The definitions in Minnesota Statutes, sections 326B.01 and 326B.31, also apply to the terms used in this chapter.

**Subp. 1a. Acceptable experience.** "Acceptable experience" means the stated minimum number of months of experience on premises electrical systems, exclusive of manufacturing processes, under properly licensed supervision where supervision is otherwise required by law, for each category of work specified in part 3800.3520, subpart 5.

**Subp. 2.** [Repealed, 34 SR 473]

**Subp. 2a. Commissioner.** "Commissioner" means the commissioner of labor and industry or a duly designated representative of the commissioner who is either an employee of the Department of Labor and Industry or a person working under contract with the department.

**Subp. 2b. Department.** "Department" means the Department of Labor and Industry.

**Subp. 3. Employee.** "Employee" means:

A. an individual whose compensation for electrical work is reported by the employer on an Internal Revenue Service W-2 form, and is also otherwise considered an employee under applicable laws; or

B. an instructor of an electrical wiring course and the instructor's students, while performing electrical work on projects on the school premises under the direct supervision of a properly licensed employee of a contractor.

**Subp. 4.** [Repealed, 34 SR 473]

**Subp. 5. Graduate of a four-year electrical course.** "Graduate of a four-year electrical course" means an applicant who has received a bachelor's degree in electrical engineering from an accredited university or college.

**Subp. 6.** [Repealed, 34 SR 473]

**Subp. 7.** [Repealed, 34 SR 473]

**Subp. 8. Maintaining and repairing electrical wiring, apparatus, and equipment.** "Maintaining and repairing electrical wiring, apparatus, and equipment" means the adjustment or repair or replacement of worn or defective parts of electrical equipment and replacement of defective receptacle outlets and manual switches for lighting control, but

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

does not include the installation of new wiring, apparatus, and equipment or additions, alterations, or extensions to existing wiring, apparatus, or equipment.

**Subp. 9.** [Repealed, 34 SR 473]

**Subp. 10. Minor repair work.** "Minor repair work" means the adjustment or repair or replacement of worn or defective parts of electrical equipment and replacement of defective receptacle outlets and manual switches for lighting control.

**Subp. 11.** [Repealed, 34 SR 473]

**Subp. 12.** [Repealed, L 2002 c 328 s 31]

**Subp. 13. Registered unlicensed individual.** "Registered unlicensed individual" means an individual who performs electrical work for a contractor or employer and does not hold any class of electrical license issued by the department and is registered with the department as required by Minnesota Statutes, section 326B.33, subdivision 13.

### **Statutory Authority:**

*MS s 326.241; 326B.32*

**History:** 14 SR 518; L 2000 c 488 art 2 s 28; L 2002 c 328 s 31; 29 SR 947; L 2007 c 140 art 5 s 32; art 13 s 4; 34 SR 473

**3800.3510** [Repealed, L 2008 c 337 s 65]

### **3800.3520 EXAMINATION; MINIMUM EXPERIENCE REQUIREMENTS FOR LICENSURE; ACCEPTABLE EXPERIENCE.**

**Subpart 1. Examination requirements.** As a precondition to issuance of any class of individual electrical license, an applicant is required to pass an examination for the type of license sought, in accordance with Minnesota Statutes, section 326B.33, subdivision 18.

**Subp. 2. Minimum experience requirements.** Except as otherwise provided for a master electrician license under Minnesota Statutes, section 326B.33, subdivision 1, clause (1)(a), for a Class B installer license under Minnesota Statutes, section 326B.33, subdivision 5, and for a power limited technician license under Minnesota Statutes, section 326B.33, subdivision 7, paragraph (b), clause (1), an applicant for an electrical license shall have acceptable experience, as defined by subpart 4, before examination for licensure under Minnesota Statutes, section 326B.33, subdivision 18.

**Subp. 3. Maximum allowable credit under certain conditions.** The maximum allowable electrical experience credit under the following conditions shall be as stated:

- A. before age 17, none;
- B. in foreign countries, 12 months;

C. acquired during the school term of a department-approved two-year, post-high school electrical course and other department-approved courses requiring attendance on a full-time daily basis, none; and

D. experience for a power limited technician only, acquired during the school term of department-approved part-time or night school courses, no restriction.

**Subp. 4. Acceptable experience for certain categories in certain situations.**

Experience in the categories of planning for the installation of wiring, apparatus, and equipment for light, heat, and power; laying out for the installation of wiring, apparatus, and equipment for light, heat, and power; supervising the installation of wiring, apparatus, and equipment for light, heat, and power; and wiring and installing electrical wiring, apparatus, and equipment for light, heat, and power is acceptable in the situations described in items A to E.

A. Experience while in the employ of a contractor licensed under Minnesota Statutes, section 326B.33, subdivision 14.

B. Experience while working in Minnesota for an employer who is not required to be licensed as a contractor, if the work is inspected under Minnesota Statutes, section 326B.36, and done under the supervision of a properly licensed electrician.

C. Experience while performing electrical work in Minnesota for an employer who is exempt from licensing when the work is exempt from inspection under Minnesota Statutes, section 326B.36, or when the work is performed on federal property by a federal employee, if the department has determined in either situation that the experience is substantially equal to that acquired in performing work while in the employ of a licensed contractor. The determination shall be made after a personal inspection by not less than two department representatives on the premises where the applicable work was performed.

D. Experience while performing electrical work outside of Minnesota, which the department has determined is substantially equivalent to the work performed while in the employ of a licensed contractor in Minnesota. This determination must be based on a certification by the employer for the type of work performed.

E. Experience while performing electrical work in the armed forces of the United States which the department has determined is substantially equivalent to work performed while in the employ of a licensed contractor in Minnesota. This determination shall be based on a certification by the military for the type of work performed.

**Subp. 5. Schedule of minimum experience requirements and maximum experience allowances.** The minimum required experience and maximum experience allowance under subpart 2 shall be as shown in items A to H for the type of license sought.

A. Class A master electrician, the minimum total is 60 months, including:

## **Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations**

(1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of two months, maximum credit allowance of 12 months;

(2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of two months, maximum credit allowance of 12 months;

(3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of two months, maximum credit allowance of 12 months;

(4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of 12 months, maximum credit allowance of 48 months;

(5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 24 months;

(6) line work: minimum experience of zero months, maximum credit allowance of three months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of six months;

(8) wiring and maintaining technology circuits or systems: minimum experience of zero months, maximum credit allowance of six months; and

(9) wiring and maintaining process control circuits or systems: minimum experience of zero months, maximum credit allowance of 12 months.

B. Class A journeyman electrician, the minimum total is 48 months, including:

(1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of 24 months, maximum credit allowance of 48 months;

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

(5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 24 months;

(6) line work: minimum experience of zero months, maximum credit allowance of three months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of six months;

(8) wiring and maintaining technology circuits or systems: minimum experience of zero months, maximum credit allowance of six months;

(9) wiring and maintaining process control circuits or systems: minimum experience of zero months, maximum credit allowance of 12 months; and

(10) a maximum of one year of experience credit will be allowed for the successful completion of a two-year, post high-school electrical course approved by the department.

C. [Repealed, L 2013 c 85 art 2 s 44]

D. [Repealed, L 2013 c 85 art 2 s 44]

E. Maintenance electrician, the minimum total is 48 months, including:

(1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 24 months;

(5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of 24 months, maximum credit allowance of 48 months;

(6) line work: minimum experience of zero months, maximum credit allowance of three months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of six months;

## **Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations**

(8) wiring and maintaining technology circuits or systems: minimum experience of zero months, maximum credit allowance of six months;

(9) wiring and maintaining process control circuits or systems: minimum experience of zero months, maximum credit allowance of 12 months; and

(10) a maximum of one year of experience credit will be allowed for the successful completion of a two-year, post-high school technical course approved by the department.

F. Lineman, the minimum total is 48 months, including:

(1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 12 months;

(5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 12 months;

(6) line work: minimum experience of 24 months, maximum credit allowance of 48 months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of three months;

(8) wiring and maintaining technology circuits or systems: minimum experience of zero months, maximum credit allowance of six months; and

(9) wiring and maintaining process control circuits or systems: minimum experience of zero months, maximum credit allowance of zero months.

G. Class B installer, the minimum total is 12 months, including:

(1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

## **Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations**

(2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 12 months;

(5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of six months;

(6) line work: minimum experience of zero months, maximum credit allowance of three months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of three months;

(8) wiring and maintaining technology circuits or systems: minimum experience of zero months, maximum credit allowance of three months; and

(9) wiring and maintaining process control circuits or systems: minimum experience of zero months, maximum credit allowance of zero months.

H. Power limited technician, the minimum total is 36 months, including:

(1) planning for the installation of wiring, apparatus, and equipment for technology circuits or systems: minimum experience of zero months, maximum credit allowance of six months;

(2) laying out for the installation of wiring, apparatus, and equipment for technology circuits or systems: minimum experience of zero months, maximum credit allowance of six months;

(3) supervising the installation of wiring, apparatus, and equipment for technology circuits or systems: minimum experience of zero months, maximum credit allowance of six months;

(4) wiring for and installing technology circuit or system wiring, apparatus, and equipment: minimum experience of 12 months, maximum credit allowance of 36 months;

(5) maintaining and repairing technology circuit or system wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 24 months;



(6) line work: minimum experience of zero months, maximum credit allowance of zero months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of zero months;

(8) wiring and maintaining process control circuits or systems: minimum experience of zero months, maximum credit allowance of six months; and

(9) a maximum of up to 12 months or 2,000 hours of experience credit will be allowed for the successful completion of a two-year, post-high school electrical course or other technical training approved by the department.

**Statutory Authority:** *MS s 326.241; 326B.32*

**History:** *14 SR 518; 17 SR 139; 29 SR 947; L 2007 c 140 art 5 s 32; art 13 s 4; 34 SR 473; L 2013 c 85 art 2 s 44*

### **3800.3525 REGISTRATION OF UNLICENSED INDIVIDUAL.**

**Subpart 1. Unlicensed individual registration requirement.** Individuals who are 17 years of age or older, who do not hold any class of electrical license issued by the department, and who perform electrical work required to be performed by employees of a contractor or employer as defined in part 3800.3550, subpart 6, must be registered with the department.

**Subp. 2. Information required on initial registration application.** Applicants for registration must provide the following information on the initial application form provided by the department:

- A. full name;
- B. date of birth;
- C. Social Security number;
- D. home address;
- E. a different designated address to become public information, if the applicant wishes the home address to remain private;
- F. area code and telephone number, if it exists;
- G. e-mail address, if any;
- H. date of application;
- I. class of work being performed; and

**Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations J.**

name, address, and telephone number of employer.

**Subp. 3. Duty to keep information current.** All of the information required by subpart 2 must be kept current. Registered individuals must notify the department within 30 days of any changes in the required information.

**Subp. 4. Information required to be provided by applicant for registration renewal application.** Applicants for registration renewal must provide the following information on the renewal application provided by the department:

A. verification of employment by a licensed contractor or employer as defined in part 3800.3550, subpart 6, that includes the following:

- (1) names of employers during the previous 12-month registration term;
- (2) address of each employer;
- (3) telephone number of each employer;
- (4) dates of employment with each employer; and
- (5) class of work performed for each employer; and

B. any changes to the information required in subpart 2, items A, **B**, D, E, and **F**.

**Subp. 5. Continuing education required.** Registered unlicensed individuals must earn two hours of continuing education credit as a condition of renewal of their registration. Registrants who do not renew the registration prior to 12 months after expiration must submit an initial registration application in accordance with subpart 2.

**Subp. 6. Registration card.** The unlicensed individual must always carry the registration card issued by the department when performing electrical work and must present it to department representatives or electrical inspection authorities upon request.

**Statutory Authority:** *MS s 326B.32*

**History:** *34 SR 473*

**3800.3530 REQUIREMENTS FOR SECURING AND MAINTAINING CONTRACTOR'S LICENSE.**

**Subpart 1. Information required to be provided by applicants.** In addition to the requirements of Minnesota Statutes, section 326B.33, subdivision 14, an applicant for a contractor's license shall also supply the information described in items A to G:

- A. The telephone number, exclusive of answering services, as listed under the applicant's name in telephone directories.
- B. The mailing address, and the street address of:

- (1) the owner, if the applicant is a sole proprietorship;
- (2) each partner, if the applicant is a partnership or limited liability partnership;
- (3) each member, if the applicant is a limited liability company;
- (4) the corporate officers, if the applicant is a corporation;
- (5) the primary location from which the contracting business is conducted;
- (6) the registered office or registered agent of the corporation or limited liability company, or the specified office or specified agent of the limited liability partnership when the company is located in a state that is not contiguous with Minnesota; and
- (7) each additional location from which the applicant's contracting business is conducted.

C. The Social Security number of each individual, partner, corporate officer, or member as required by Minnesota Statutes, section 270C.72, subdivision 4.

D. Except for an individual or a partnership making application using the individual's or all partners' own full true names as the contractor name, a copy of the certificate of assumed name or a copy of the certificate of good standing issued by the Office of the Secretary of State.

E. The applicant's Minnesota business identification number and federal employer identification number, unless the applicant has no employees, does not make taxable sales or leases, does not perform taxable services, and is either a sole proprietor or a one-member limited liability company. Instead of a Minnesota business identification number, the applicant may provide a statement from the Minnesota Department of Revenue that the applicant is not required to have a Minnesota business identification number.

F. When the applicant has employees, the applicant's worker's compensation insurance account number and unemployment insurance account number. A worker's compensation insurance account number is not required for an applicant who only employs individuals excluded under Minnesota Statutes, section 176.041. An applicant not providing worker's compensation insurance must provide an affidavit that Minnesota Statutes, section 176.041, does not require worker's compensation insurance for the applicant's employees.

G. A certificate of master electrician or power limited technician identifying the licensed individual responsible for the contractor's license as required by part 3800.3540.

**Subp. 2.** [Repealed, 29 SR 947]

**Subp. 3.** [Repealed, 29 SR 947]

**Subp. 4. Duty to keep information current.** All of the information required by this part must be kept current. Licensees shall notify the department within 30 days of any changes in the required information.

**Statutory Authority:** *MS s 326.241; 326B.32*

**History:** *14 SR 518; L 1997 c66s 80; L 1999 c 107 s 66; L 2000 c 343 s 4; 29 SR 947; L 2005 c151 artl s116; L 2007 c 140 art 5 s 32; art 13 s 4; 34 SR 473*

### **3800.3540 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN OR POWER LIMITED TECHNICIAN ON CONTRACTOR'S LICENSE APPLICATION.**

**Subpart 1. Responsible licensed individual for contractor limited to one contractor license.** Each contractor shall designate the responsible master electrician or power limited technician employed by the contractor on the application for a contractor's license. The department shall not grant a contractor's license if it appears that the responsible electrician or power limited technician designated is also employed by any other contractor or employer. In the event that an applicant for a contractor license has designated an employee as the responsible master electrician or power limited technician who is the responsible master electrician or power limited technician for another contractor or employer, or is employed by another contractor or employer, the department shall return the application to the applicant.

**Subp. 2. Notice required for resignation, termination, or separation of responsible licensed individual.** The responsible master electrician or power limited technician for a contractor shall give a minimum 15-day notice to the contractor and department before resigning as the responsible master electrician or power limited technician for the contractor. The contractor and responsible master electrician or power limited technician shall immediately notify the department upon the termination or separation of the contractor's responsible master electrician or power limited technician.

**Subp. 3. Replacement certificate of employment of responsible licensed individual.** The contractor shall submit a replacement certificate of responsible licensed individual form identifying the replacement responsible master electrician or power limited technician within 30 days from the date of termination or separation. If the contractor is unable to acquire a replacement responsible master electrician or power limited technician within 30 days from the date of termination, the contractor's license is invalid and the contractor shall cease and desist from performing any electrical work and return the contractor's license for voluntary termination. Upon acquiring a replacement responsible master electrician or power limited technician, the contractor may request reinstatement of the terminated license.

**Subp. 3a. Failure to renew or maintain master electrician or power limited technician license.** If the responsible master electrician or power limited technician for the contractor is an owner, partner, member, or officer of the company and fails to renew a license or a license is suspended or revoked, the contractor license is invalid and the contractor shall cease and desist from performing any electrical work until the master electrician or power limited technician license is renewed or reinstated, or a certificate of responsible licensed individual identifying a replacement responsible master electrician or power limited technician is submitted. Upon renewal or reinstatement of the master electrician's or power limited technician's license, or acquiring a replacement responsible master electrician or power limited technician, the contractor may request reinstatement of the license. If the responsible master electrician or power limited technician for the contractor is an employee of the company and fails to renew a license or a license is suspended or revoked, the contractor has 30 days to secure a properly licensed responsible master electrician or power limited technician. If the contractor is unable to acquire a replacement responsible master electrician or power limited technician, or if the master electrician or power limited technician license is not renewed or reinstated within 30 days from the date of the expiration, suspension, or revocation, the contractor's license is invalid and the contractor shall cease and desist from performing any electrical work. Upon renewal or reinstatement of the responsible master electrician's or power limited technician's license, or the contractor submitting a replacement certificate of responsible master electrician or power limited technician, the contractor may request reinstatement of the license.

**Subp. 4. Evidence of compliance with this chapter and the Minnesota Electrical Act.** The owner or principal of a company and the responsible master electrician or power limited technician of the company applying for a contractor license shall provide certification that the contractor will comply with the requirements of this chapter, chapters 1315 and 3801, and the Minnesota Electrical Act.

**Subp. 5. Employer.** For the purpose of this part, "employer" means a person that has one or more employees who perform electrical work on the employer's electrical wiring, apparatus, equipment, or facilities owned or leased by the employer which are located within the limits of property owned or leased and operated and maintained by the employer.

**Statutory Authority:** *MS s 326.241; 326B.32*

**History:** *14 SR 518; 29 SR 947; 34 SR 473*

**3800.3550 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN, POWER LIMITED TECHNICIAN, LICENSED MAINTENANCE ELECTRICIAN, OR ELECTRICAL ENGINEER BY AN EMPLOYER.**

**Subpart 1. Employees required to be licensed.** An employer who has one or more employees who perform electrical work on the employer's premises for which an electrical license is required shall submit to the department a certificate of responsible licensed individual executed by the properly licensed employee who is responsible for compliance with this chapter, chapters 1315 and 3801, and the Minnesota Electrical Act by that employer and the employer's employees.

**Subp. 2. Employees exempt from licensing.** An employer whose maintenance electricians are exempt from licensing under Minnesota Statutes, section 326B.33, subdivision 21, shall provide the department with a certificate of responsible licensed individual executed by an employee who holds a bachelor of electrical engineering degree from an accredited university or college, power limited technician, maintenance electrician, or master electrician license, and is responsible for compliance with this chapter, chapters 1315 and 3801, and the Minnesota Electrical Act by that employer and the employer's employees.

**Subp. 3. Notification of termination of responsible licensed individual.** The designated responsible individual on the certificate of responsible licensed individual required under this part shall immediately notify the department in writing of termination as the responsible licensed individual with that employer.

**Subp. 4. Evidence of compliance.** The department may require that the employer or designated responsible individual provide evidence of the manner in which they will comply with this chapter, chapters 1315 and 3801, and the Minnesota Electrical Act.

**Subp. 5. Resubmittal of designation of responsible master electrician, power limited technician, licensed maintenance electrician, or electrical engineer by an employer.** An employer shall resubmit a certificate of responsible licensed individual executed by the properly certified employee who is responsible for compliance with this chapter, chapters 1315 and 3801, and the Minnesota Electrical Act two years from the date of the previous submittal.

**Subp. 6. Employer.** For the purpose of this part, "employer" means a person, partnership, corporation, or limited liability company who has one or more employees who perform electrical work on the employer's electrical wiring, apparatus, equipment, or facilities owned or leased by the employer which are located within the limits of property owned or leased and operated and maintained by the employer.

**Statutory Authority:** *MS s 326.241; 326B.32*

**History:** *14 SR 518; 29 SR 947; L 2007 c 140 art 5 s 32; art 13 s 4; 34 SR 473*

**3800.3560 ADVERTISING RESTRICTIONS.** The contractor's name as it appears on the contractor's license shall be provided in any advertisement or printed matter that offers or implies the performance of electrical work for which a license is required.

**Statutory Authority:** *MS s 326.241*

**History:** *14 SR 518; 29 SR 947*

**3800.3570 MARKING OF CONTRACTOR'S VEHICLES.** Any vehicle used by a contractor while performing electrical work for which a contractor's license is required shall have the contractor's name and license number as it appears on the contractor's license in contrasting color with characters at least three inches high and one-half inch in width affixed to each side of the vehicle.

**Statutory Authority:** *MS s 326.241*

**History:** *14 SR 518; 29 SR 947 3800.3580*

[Repealed, L 2007 c 140 art 13 s 3] **3800.3590**

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

**3800.3600 AUTHORITY; PURPOSE.** Parts 3800.3601 to 3800.3603 establish continuing education requirements for renewal of electrician licenses and unlicensed electrical worker registration, as authorized by Minnesota Statutes, section 326B.32, subdivision 2, paragraph (a), clause (6).

**Statutory Authority:** *MS s 214.12; 326.241; 326B.32*

**History:** *19 SR 2221; 34 SR 473*

### **3800.3601 DEFINITIONS.**

**Subpart 1. Words, terms, and phrases.** For the purposes of parts 3800.3600 to 3800.3603, the terms defined in this part have the meanings given them.

**Subp. 2. Educational program.** "Educational program" means a course, seminar, workshop, or other educational offering where interactive instruction is provided by one or more instructors, either directly or by interactive media.

**Subp. 3. Hours of instruction.** "Hours of instruction" means the time in hours allowed by the department for attending an educational program pursuant to part 3800.3602.

**Subp. 4. Electrician license.** "Electrician license" means a personal electrical license issued by the department that is required by statute. "Electrician license" does not include "lineman" as defined by Minnesota Statutes, section 326B.31, subdivision 20.

**Subp. 4a. NEC.** "NEC" means the most recent published edition of the National Electrical Code or the edition adopted in part 1315.0200.

**Subp. 5. Power limited technician.** "Power limited technician" means an individual meeting the qualifications of Minnesota Statutes, section 326B.33, subdivision 7, paragraph (b), (d), or (e), and who is licensed by the department.

**Subp. 6. Provider.** "Provider" means a person, partnership, corporation, limited liability company, professional association, government agency, or other entity authorized by law which provides educational programs for credit under part 3800.3602.

**Statutory Authority:** *MS s 214.12; 326.241; 326B.32*

**History:** *19 SR 2221; 29 SR 947; L 2007 c 140 art 5 s 32; art 13 s 4; 34 SR 473*

**3800.3602 REQUIREMENTS FOR RENEWAL OF ELECTRICIAN AND POWER LIMITED TECHNICIAN LICENSE AND RENEWAL OF REGISTERED UNLICENSED INDIVIDUAL REGISTRATION.**

**Subpart 1. License renewal.** The department shall not renew the electrician license of an applicant for renewal who has held the license for at least 24 months unless the applicant has credit for the hours of instruction required by this part.

**Subp. 2. Hours of instruction.**

A. Within the term and prior to the renewal of an electrician or power limited technician license, each holder of a license shall receive credit for instruction through one or more educational programs as required by this part. Credit for an educational program may only be used once for a specific renewal of an electrician license. Where a licensee holds more than one type of electrician license, the same credits for hours of instruction may be applied to each license.

B. The following license types are required to earn 16 hours of instruction through one or more educational programs:

- (1) Class A master electrician;
- (2) Class B master electrician;
- (3) Class A journeyman electrician;
- (4) Class B journeyman electrician;
- (5) [Repealed, L 2013 c 85 art 2 s 44]
- (6) [Repealed, L 2013 c 85 art 2 s 44]
- (7) maintenance electrician;
- (8) Class A installer;
- (9) Class B installer; and
- (10) power limited technician.



## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

**Subp. 3. Acceptable subjects.** For the license types listed in subpart 2, item B, subitems (1) to (9), at least 12 hours of instruction must be on the NEC and the remainder on the statutes and rules governing electrical installations, this chapter, chapter 3801, and Minnesota Statutes, sections 326B.31 to 326B.399, or technical topics related to electrical installations and equipment. For the license type in subpart 2, item B, subitem (10), at least four hours of instruction must be on the NEC with the remainder on the statutes and rules governing electrical installations, this chapter, chapter 3801, Minnesota Statutes, sections 326B.31 to 326B.399, or technical topics related to electrical installations and equipment.

**Subp. 4. Registration renewal.** The department shall not renew the registration of a registered unlicensed individual unless the applicant received credit for two hours of instruction on the NEC through one or more educational programs as required by this part. Credit for an educational program may only be used once for renewal of registration.

**Statutory Authority:** *MS s 214.12; 326.241; 326B.32*

**History:** *19 SR 2221; L 2000 c 488 art 2 s 28; 29 SR 947; L 2007 c 140 art 5 s 32; art 13 s 4; 34 SR 473; L 2013 c 85 art 2 s 44*

### 3800.3603 CREDIT FOR INSTRUCTION.

**Subpart 1. Approval of educational programs.** To qualify for credit under part 3800.3602, educational programs shall be approved by the department. The provider shall submit an application for approval on a form provided by the department, which shall include an outline of the educational program; the number of hours of instruction provided; and the names, addresses, telephone and facsimile numbers, and qualifications of the instructors. The provider shall submit a new application for approval if the instruction provided deviates substantively from the outline previously submitted or the hours of instruction provided is changed. Applications for approval shall be received by the department at least 30 days prior to the first presentation of an educational program. Approval of individual educational programs expires 36 months from the date of approval. An interactive educational program may also be approved for presentation through electronic media. In addition to the requirements of parts 3800.3600 to 3800.3603, a program presented through electronic media that does not include real-time interaction between the presenter and the licensee or registrant must include an examination process that ensures a licensee or registrant has successfully completed the program.

**Subp. 2. Notification of presentations.** Not less than 14 days prior to a presentation of an educational program, the provider shall notify the department in writing of the date, time, and location of the presentation.

**Subp. 3. Exception to preapproval.** Notwithstanding subparts 1 and 2, educational programs that are offered in other states and not granted prior approval according to this part shall be considered for credit if the department is provided with evidence that the educational program meets the requirements of part 3800.3602 and is approved for continuing education credit by a public authority licensing electricians or power limited technicians in the other state.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

**Subp. 4. Review of educational programs.** The department shall have authority to audit or review educational programs and presentations of educational programs for compliance with parts 3800.3600 to 3800.3603 and review the provider's records concerning individuals who have attended such presentations for credit. The department shall withdraw approval of any educational program not in compliance with parts 3800.3600 to 3800.3603.

**Subp. 5. Qualifications of instructors.** All educational programs shall be conducted by department-approved instructors who have the qualifications described in at least one of the following items:

- A. a personal electrical license and at least four years' experience in electrical inspection, electrical installations, or teaching subjects within the scope of electrical work permitted by the instructor's license;
- B. a registered or licensed electrical engineer with at least four years' experience in the design of premises electrical power systems or technology systems;
- C. at least five years' practical experience in the subject being taught. An instructor in this category may only be approved for instruction on technical topics related to electrical installations and equipment; or
- D. for technology systems, an instructor certified by a national training program.

**Subp. 6. Credit for teaching.** Instructors of educational programs approved under this part shall receive instruction credit for each hour of instruction allowable under subpart 1.

**Subp. 7. Report of credits earned.** Within 14 days after presentation of an educational program for credit under part 3800.3602, the provider shall provide a certificate of completion to each licensee or registrant in attendance and shall forward an attendance list and original attendance sign-in document to the department on a form supplied by the department, or in a format approved by the department. Each certificate of completion and attendance list shall include the name of the provider, date and location of the presentation, educational program identification that was provided to the department, hours of instruction or continuing education units, and the licensee's or registrant's name and license or registration number or the last four digits of the applicant's Social Security number. The attendance list must be typewritten and provide a summary of each attendee's hours for each course attended.

**Subp. 8. Credit for completing an educational program.** Participants in an educational program must complete the entire program to receive credit. Partial credit must not be granted.

**Statutory Authority:** *MS s 214.12; 326.241; 326B.32*

**History:** *19 SR 2221; 29 SR 947; 34 SR 473*

**Minnesota Rules Chapter 3801  
Electrical Procedures and Training  
as adopted by the  
Minnesota Department of Labor and Industry**

**REGULATION OF ELECTRICIANS**

**3801.3610 EXCLUSIVE ADMINISTRATIVE REMEDY.**

The procedures prescribed by parts 3801.3660 to 3801.3690 constitute the exclusive administrative remedies for preventing connection or requiring disconnection of the supply of electrical power to a premises.

**Statutory Authority:** *MS s 326.241*

**History:** *14 SR 518*

**3801.3619 DEFINITIONS.**

**Subpart 1. Scope.** For the purposes of part 3801.3620, the terms defined in this part have the meanings given them.

**Subp. 2. Labeled.** "Labeled" has the meaning given in Article 100 of the National Electrical Code.

**Subp. 3. Listed.** "Listed" has the meaning given in Article 100 of the National Electrical Code.

**Subp. 4. National Electrical Code.** "National Electrical Code" means the National Electrical Code as incorporated by reference in part 1315.0200.

**Subp. 5. Testing laboratory.** "Testing laboratory" means an electrical testing laboratory that has provided a written report to the board showing that it has the facilities listed in Section 90-6 of the National Electrical Code or that is accredited under the federal Occupational Safety and Health Administration Nationally Recognized Testing Laboratory program.

**Statutory Authority:** *MS s 326.241*

**History:** *15 SR 1842*

**3801.3620 APPROVAL OF ELECTRICAL EQUIPMENT.**

**Subpart 1. National standards.** Except as otherwise provided in subpart 2 or 3, as a condition for approval under Minnesota Statutes, section 326.243, and Section 110-2 of the National Electrical Code, all electrical equipment, including material, fittings, devices, apparatus, fixtures, appliances, and utilization equipment, used as part of, or in connection with, an electrical installation shall be listed and labeled by a testing laboratory.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

**Subp. 2. Alternatives to listing and labeling.** With the exception of electrical equipment of types specifically required to be listed by the National Electrical Code, the board shall accept one of the applicable methods described in item A or B as an alternative to listing and labeling.

- A. Evaluation by a testing laboratory or by a registered or licensed electrical engineer who has no financial or other interest in the manufacture or sale of the equipment, provided that any deficiencies identified by the evaluation are corrected and the equipment complies with the listed requirements. A written report of the evaluation shall be submitted directly to the board, and shall state the standards that were applied in the evaluation. Evaluation reports by an electrical engineer acting independently of a testing laboratory shall also include an item-by-item comparison of the equipment with the requirements to be listed. If the board finds that the evaluation or evaluation report is incomplete or inaccurate, it retains the right to require further evidence of compliance or to reject the equipment.

Evaluations conducted according to the procedures in this item shall be considered evidence of compliance of all identical equipment produced by that manufacturer for a period of one year from the time the evaluation was completed, or until the equipment has been listed, whichever is less, provided that the manufacturer has applied for listing of the equipment, or produces fewer than 100 such units per year. Where additional identical equipment will be produced, the manufacturer shall provide the board with a written statement giving the equipment model number and agreeing that all subsequent equipment will be identical to that which was evaluated and, where the equipment has not been submitted for listing, shall also provide a written report to the board 12 months from the date of the evaluation report which lists the serial numbers of the equipment installed in Minnesota over the preceding 12 months.

Where deficiencies are identified by the initial evaluation report, those deficiencies shall be corrected for all subsequent units, the changes shall be verified by the person who performed the initial evaluation, and an amended report shall be submitted to the board. If the manufacturer deviates from the construction established by the evaluation report, the equipment shall be reevaluated and any noncomplying equipment that was sold brought into compliance.

Where the evidence of compliance is an evaluation according to this item, the manufacturer shall affix a durable permanent label to the equipment in a readily visible location, which states: "This equipment is identical to equipment that was evaluated by (name), and found to be in compliance with the requirements to be listed. A copy of the evaluation report was filed with the Minnesota State Board of Electricity on (date)."

- B. Where procedures acceptable to the testing laboratory are followed, a manufacturer of unlisted equipment shall be permitted to submit the equipment to another manufacturer of similar listed equipment for evaluation, correction of noncomplying construction, and labeling.

**Subp. 3. Equipment exempt from listing requirements.** Equipment described in items A to E is exempt from the requirements in subparts 1 and 2.

A. Industrial machinery as defined by Section 670-2 of the National Electrical Code is not required to be listed where all electrical components of the equipment, including electrical control panels and solid-state motor controls, are in compliance with item B, C, or D, or subpart 1 or 2, and all of the machine electrical wiring is in compliance with the National Electrical Code.

B. Electrical equipment enclosed in a listed cabinet or box suitable for the environment in which it is installed, and electrically connected only to circuits supplied from listed Class 2, logic level, communications, or other circuits with maximum open circuit voltage of 30 volts rms AC, or DC, and overcurrent protection of eight amperes or less, or to any combination of such circuits, is not required to be listed, provided further that any printed wiring boards shall be of listed material and shall be permitted to be supplied from a labeled microcomputer power supply.

C. Electrical control equipment constructed according to the listed requirements and enclosed in a listed cabinet or box suitable for the environment in which it is located, where the enclosed equipment consists of eight or fewer listed components, other than wires, cables, cords, terminal assemblies, nonelectrical components, and those covered under item B, provided that the devices are not electrically connected to circuits on a printed wiring board other than those circuits covered under item B, is not required to be listed.

D. Custom-made electrical equipment or related installations that are designed and manufactured to a purchaser's specifications and are not marketed to the general public are exempt from listing and labeling requirements. Equipment or installations exempt under this item are subject to the following:

(1) they must be determined to be safe for their intended use by the manufacturer on the basis of test data which the purchaser keeps and makes available to the electrical inspection authority having jurisdiction, as required by Code of Federal Regulations, title 29, section 1910.399 (1991), for equipment or installations subject to national occupational safety and health laws; or

(2) they must be inspected by the electrical inspection authority having jurisdiction for compliance with the construction requirements of the applicable electrical standards used by electrical testing laboratories to evaluate the equipment, or the National Electrical Code. Schematic wiring diagrams, component layout diagrams, and component electrical rating information shall be provided to enable evaluation under this subitem.

E. Utilization equipment as defined by the National Electrical Code is not required to be listed if:

(1) the equipment includes eight or fewer electrical components which are listed or are exempt from listing by item B or C; and

(2) all wiring that is part of the equipment is in compliance with the National Electrical Code.

**Statutory Authority:** *MS s 326.241*

**History:** *14 SR 518; 15 SR 1842; 17 SR 139*

**3801.3640** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3650** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3660** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3670** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3680** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3690** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3700** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3710** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3720** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3730** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3740** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3760** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3770 ROUGH-IN INSPECTION OF WIRING TO BE CONCEALED.** Where wiring is to be concealed, the inspector must be notified sufficiently in advance to permit completion of a rough-in inspection before concealment, exclusive of Saturdays, Sundays, and holidays. In the event wiring is concealed before rough-in inspection without adequate notice having been given to the inspector, the person responsible for having enclosed the wiring shall be responsible for all costs resulting from uncovering and replacing the cover material.

**Statutory Authority:** *MS s 326.241*

**History:** *14 SR 518*

### **3801.3780 REQUEST FOR INSPECTION CERTIFICATES, NOTIFICATION FOR FINAL INSPECTION, AND EXPIRATION.**

**Subpart 1. Final inspection.** Installers of electrical wiring shall schedule a final inspection or otherwise notify the electrical inspector that the work associated with a specific request for inspection certificate is completed prior to the wiring being utilized by the intended user and the associated space being occupied.

**Subp. 2. Expiration.** Request for inspection certificates on installations with inspection fees of \$250 or less are void 12 months from the original filing date regardless of whether the wiring is completed. A new request for inspection certificate shall be filed on all unfinished work when the work is not completed within 12 months from the filing date of the original request for inspection certificate. An inspection fee calculated according to Minnesota Statutes, section 326B.37, for all unfinished work shall be submitted with the new request for inspection certificate. Request for inspection certificate inspection fees of \$250 or less are not refundable after 12 months from the original filing date.

**Subp. 3. Authority.** The authority to install electrical wiring associated with a specific request for inspection certificate is void at the time of a final inspection or expiration, whichever occurs first. The board's authority to inspect wiring covered by a request for inspection certificate continues until the installation is approved at a final inspection.

**Statutory Authority:** *MS s 326.241*

**History:** *14 SR 518; 26 SR 1756; L 2007 c 140 art 5 s 32; art 13 s 4*

**3801.3790** [Repealed, L 2012 c 295 art 1 s 17]

**3801.3800** [Repealed, L 2012 c 295 art 1 s 17]

### **ELECTRICIAN TRAINING PROGRAMS**

**3801.3820 PURPOSE.** Parts 3801.3820 to 3801.3870 establish requirements for approval of programs that will be used to fulfill the experience credit requirements for electrical license applicants.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3825 DEFINITIONS.**

**Subpart 1. Scope.** For the purposes of parts 3801.3820 to 3801.3870, the terms defined in this part have the meanings given them.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

**Subp. 2. Advanced standing.** "Advanced standing" means credit toward program completion for prior education recognized by a postsecondary program through a developed procedure including transfer of credits for courses that are at least 80 percent similar to those in an approved program, and credit by examination for up to 25 percent of program courses.

**Subp. 3. Approval period.** "Approval period" means a time frame beginning with the approval beginning date and extending until the program is discontinued or board approval is removed or not continued through the reapplication process.

**Subp. 4. Course.** "Course" means a part of a program that consists of an individual knowledge or skill area, or part of a larger knowledge or skill area.

**Subp. 5. Electrical work.** "Electrical work" means the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for light, heat, power, or other purposes. The installing, altering, repairing, planning, or laying out of electrical wiring apparatus or equipment for light, heat, power, or other purposes includes, but is not limited to, the performance of any work governed by the standards referred to in Minnesota Statutes, section 326B.35.

**Subp. 6. Independent study.** "Independent study" means student learning effort within the specific program content that is outside of lecture, shop, or lab time and does not require student/instructor contact.

**Subp. 7. Survey.** "Survey" means collecting and analyzing information to assess compliance with parts 3801.3820 to 3801.3870. Information must be analyzed by multiple methods, including review of requested information and materials, on-site evaluation, or interviews and conferences with program administrators, instructors, or students.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3830 TWO-YEAR ELECTRICAL PROGRAM.**

To qualify for approval, a two-year electrical program must be a postsecondary program that awards a diploma or an associate of applied science degree at completion and meets the requirements of parts 3801.3820 to 3801.3870. Satisfactory completion of an approved two-year electrical program fulfills the one year's experience credit allowance for a Class A journeyman electrician, power limited technician, or maintenance electrician license applicant according to part 3800.3520, subpart 5, items B, E, and I, and Minnesota Statutes, section 326B.33, subdivisions 2, paragraph (b), and 7, paragraph (b).

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; 29 SR 947; L 2007 c 140 art 5 s 32; art 13 s 4*



### **3801.3831 POWER LIMITED TECHNICIAN PROGRAM.**

To qualify for approval, a power limited technician program must either be a two-year electrical program described in part 3801.3830 or other program that has at least 500 hours of student and instructor contact time meeting the program content described in part 3801.3880. Approval for experience credit for programs other than a two-year electrical program is based on increments of 100 hours, or major fraction thereof, of student and instructor contact time up to a maximum of 2,000 hours.

**Statutory Authority:** *MS s 326.241*

**History:** *29 SR 947*

### **3801.3840 APPLICATION FOR PROGRAM APPROVAL.**

**Subpart 1. Content.** An application for approval of a program must meet each of the requirements in items A to G.

- A. The application must be in a format provided by the board and contain complete, current, and accurate information.
- B. The application must include a syllabus for each program course.
- C. The application must include a detailed written description of how the program meets the required program content.
- D. The application must identify course instructors and their qualifications.
- E. The information in the application must be able to be confirmed by survey.
- F. The application must identify a beginning date corresponding to an initial student enrollment date. Students enrolled after the beginning date who successfully complete an approved program within the approval period are eligible for experience credit.
- G. The application must be signed by the administrator and department head or another official representative of the applicant.

**Subp. 2. Processing.** The technical program committee shall review all applications. Items A to E apply to all applications.

- A. Incomplete applications must be immediately returned to the applicant.
- B. Upon review of completed applications, including completion of a survey, any deficiencies must be noted and identified to the applicant.
- C. If no deficiencies are noted or all identified deficiencies have been corrected, the committee shall recommend approval to the full board.

Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

D. If the applicant fails to correct identified deficiencies, the technical program committee shall recommend disapproval to the full board.

E. An applicant may request a hearing before the full board to appeal disapproval of a program.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3845 REPORTING AND REAPPLICATION FOR APPROVAL.**

A. By July 1 of each year, the administrator of a program approved for experience credit shall provide an annual report to the board. The annual report must include a copy of course syllabi for approved programs, a detailed description of new courses or courses modified over ten percent, and identification and qualification of instructors, including instructor development. The annual report must be signed by the administrator and department head or another official representative of the program provider.

B. An approved program must be resubmitted for approval by July 1 of the fifth year from the last approval date. At its discretion, the board may modify the initial time period for resubmission to achieve review of approximately 20 percent of approved programs each year.

C. The administrator of an approved program shall provide information as part of a survey upon request of the board.

D. The administrator of an approved program shall notify the board when an approved program is discontinued.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3850 REMOVAL OF APPROVAL.**

A. The board shall remove approval of a program based on a determination by survey that the program does not meet the requirements for approval.

B. The board may remove approval of a program if the administrator of an approved program fails to provide the annual report according to part 3801.3845.

C. The board may remove approval of a program if the administrator of an approved program fails to resubmit the program for reapplication by July 1 of the fifth year from the last approval date or the year assigned by the board as allowed by part 3801.3845, item B.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3855 VERIFICATION OF COMPLETION.**

Upon inquiry by the board, the provider of an approved program shall provide verification that an applicant has completed an approved program.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3860 TWO-YEAR ELECTRICAL PROGRAM CONTENT.**

**Subpart 1. Contact hours.** A two-year electrical program shall consist of 2,000 or more hours of student/instructor contact time and is subject to the following:

- A. up to 200 hours of independent study may be substituted for student/instructor contact time;
- B. a minimum of 1,600 hours of contact time must be technical electrical instruction;
- C. at least 30 percent but not more than 40 percent of the technical electrical contact hours must be lecture and the balance shop or lab hours;
- D. intern programs, whether internal or external, must not be used to comply with the contact hours requirement;
- E. a student may receive advanced standing credit for up to one-third of the courses of an approved program.

**Subp. 2. Attendance policy.** A two-year electrical program must include an attendance policy that requires students to attend a minimum of 95 percent of each required program course. The program must include a provision for students to retake courses or make-up portions of courses when the student does not attend 95 percent or more of each required program course. Attendance records must be kept at the course level.

**Subp. 3. Technical content.** A two-year electrical program must include courses that cover the following knowledge and skill areas:

- A. electrical theory;
- B. electronic theory;
- C. lighting systems;
- D. heating and cooling systems;
- E. motors;
- F. generators;
- G. transformers;
- H. panelboards and switchboards; I. overcurrent devices; J. grounding;

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

- K. motor controls;
- L. electronic controls;
- M. electrical code;
- N. electrical test equipment and troubleshooting;
- O. specification and blueprint reading;
- P. installation and application of electrical materials and equipment;
- Q. wiring methods;
- R. conductors and cables;
- S. tools, materials, and handling;
- T. fire alarm systems;
- U. communication systems;
- V. alarm systems;
- W. data systems;
- X. electrical and jobsite safety;
- Y. related mathematics; and
- Z. related general education.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3865 QUALIFICATIONS OF INSTRUCTORS FOR TWO-YEAR PROGRAMS.**

**Subpart 1. Generally.** An instructor for a two-year electrical program shall meet the requirements in subparts 2 and 3.

#### **Subp. 2. Licensing, experience, and education.**

An instructor shall:

- A. hold a current license issued by the Minnesota Board of Electricity as a Class A master electrician or a Class A journeyman electrician;
- B. hold a current license issued by an electrical licensing authority in the state where the school is located if the state has a reciprocal agreement with the Minnesota Board of Electricity for either master or journeyman licenses;
- C. have a bachelor of science degree in electrical engineering and have 4,000 hours of experience performing electrical work;
- D. have an associate of applied science degree in electrical construction or maintenance, or both, and have 6,000 hours of experience performing electrical work;
- E. have a two-year diploma for completing a two-year electrical construction program or maintenance program, or both, and have 6,000 hours of experience performing electrical work; or

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

F. for courses limited to specific technical or general education areas, other than general wiring methods or the application of electrical codes, be a technical expert based on special training or certification or accreditation in the specific knowledge or skill area.

**Subp. 3. Recent initial experience.** Except for instructors of courses in subpart 2, item F, a minimum of 2,000 hours of the required instructor experience must have been in the five years prior to the application for program approval or the instructor's employment date, whichever is later, and consist of either:

- A. a minimum of 2,000 hours of experience performing electrical work; or
- B. (1) up to 1,500 hours of experience credit for instruction based on a formula in which one hour of instruction equals two hours of experience credit; plus (2) a sufficient number of hours of experience performing electrical work to total 2,000 hours.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

**3801.3870 EFFECTIVE DATE.** Programs that were approved for experience credit prior to February 11, 2002, must be submitted for approval no later than August 11, 2002.

**Statutory Authority:** *MS s 326.241; 326.242; 326B.33*

**History:** *26 SR 1017; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3880 POWER LIMITED TECHNICIAN PROGRAM CONTENT.**

**Subpart 1. Contact hours.** A power limited technician program shall consist of a minimum of 500 hours of student and instructor contact time and is subject to the following:

- A. up to ten percent of the approved hours may be independent study;
- B. a minimum of 80 percent of the approved hours must be technical electrical instruction; and
- C. intern programs, whether internal or external, must not be used to comply with the contact hour requirement.

**Subp. 2. Attendance policy.** A power limited technician program must include an attendance policy that requires students to attend a minimum of 95 percent of each required program course. The policy must include a provision for students to retake courses or make up portions of courses when the student does not attend 95 percent or more of each required program course. Attendance records must be kept at the course level.

## Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

**Subp. 3. Technical content.** A power limited technician program must include courses that cover the following knowledge and skill areas:

- A. electrical theory;
- B. electronic theory;
- C. Class 2 and Class 3 power supplies;
- D. Class 2 and Class 3 circuits;
- E. grounding;
- F. electrical code;
- G. electrical test equipment and troubleshooting;
- H. specification and blueprint reading;
- I. wiring methods;
- J. conductors and cables;
- K. tools, materials, and handling;
- L. electrical and job site safety;
- M. related mathematics;
- N. related general education; and
- O. technology circuits or systems.

A minimum of 30 percent, but not more than 50 percent, of the total student and instructor contact time must be on technology circuits or systems as defined in Minnesota Statutes, section 326B.31, subdivision 29.

**Statutory Authority:** *MS s 326.241*

**History:** *29 SR 947; L 2007 c 140 art 5 s 32; art 13 s 4*

### **3801.3885 QUALIFICATIONS OF INSTRUCTORS FOR POWER LIMITED TECHNICIAN PROGRAMS.**

**Subpart 1. Generally.** An instructor for a power limited technician program shall meet the requirements of subparts 2 and 3.

**Subp. 2. Licensing, experience, and education.** An instructor shall:

- A. hold a license as issued by the Board of Electricity as a Class A master electrician, Class A journeyman electrician, or power limited technician;
- B. hold a current license issued by an electrical licensing authority in the state where the school is located if the state has a reciprocal agreement with the Board of Electricity for either master, journeyman, or power limited technician, or equivalent licenses;
- C. have a bachelor of science degree in electrical or electronic engineering and have 3,000 hours of experience in engineering, planning, laying out, supervising, or installing technology system wiring;
- D. have an associate of applied science degree in electrical construction or maintenance, or both, and have 4,000 hours of experience performing electrical work;

Laws and Rules Regulating Licensing of Electricians and Inspection of Electrical Installations

E. have a two-year diploma for completing a two-year electrical construction or maintenance program, or both, and have 4,000 hours of experience performing electrical work;

F. have an associate of applied science degree in technology systems, and have 4,000 hours of experience performing technology system work;

G. have a two-year diploma for completing a two-year technology systems program, and have 4,000 hours of experience performing technology system work;

H. be a certified instructor for a nationally recognized training program; or

I. for courses limited to specific technical or general education areas, other than general wiring methods or the application of electrical codes, be a technical expert based on special training or certification or accreditation in the specific knowledge or skill area.

**Subp. 3. Recent initial experience.** Except for instructors of courses in subpart 2, item I, a minimum of 2,000 hours of the required instructor experience must have been in the five years prior to the application for program approval or the instructor's employment date, whichever is later, and consist of either:

A. a minimum of 2,000 hours of experience performing electrical work, including technology system work; or

B. (1) up to 1,500 hours of experience credit for instruction based on a formula in which one hour of instruction equals two hours of experience credit; plus (2) a sufficient number of hours of experience performing electrical work to total 2,000 hours.

**Statutory Authority:** *MS s 326.241*

**History:** *29 SR 947*

## **Laws and Rules Regulating Licensing of Electricians and Inspection of electrical Installations**