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MINNESOTA ENGINEERING BOARD RULES, REGULATIONS & ETHICS

Main Category:	Ethics, Laws & Rules
Sub Category:	Laws & Rules
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Course Content:	119 pgs
PDH/CE Hours:	3

OFFICIAL COURSE/EXAM (SEE INSTRUCTIONS ON NEXT PAGE)

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RUL-120 EXAM PREVIEW

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Exam Preview:

1. The Fundamentals Canons of the NSPE Code of Ethics for Engineers states that Engineers, in the fulfillment of their professional duties, shall “Issue public statements only as directed by the engineer in charge of the project.”
 - a. True
 - b. False
2. If engineers’ ____ is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - a. Drawing approval
 - b. Design stamp
 - c. Code violation submittal
 - d. Judgment
3. The “Rules of Practice” state that Engineers shall not aid or abet the unlawful ____ by a person or firm.
 - a. Practice of engineering
 - b. Copying of stamped drawings
 - c. Stamping of drawings
 - d. Change of responsible charge
4. Engineers shall act for each employer or client as faithful agents or trustees. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
 - a. True
 - b. False
5. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others. Engineers using designs supplied by

a client can be duplicated by the engineer for others without express permission, provided the project is not in direct competition to the initial client.

- a. True
 - b. False
6. Minnesota Rules 1805.0100 states “When providing professional services, the licensee's or certificate holder's primary responsibility is the protection of the public's health, safety, and welfare.”
- a. True
 - b. False
7. A person in direct supervision of work directs the work of other licensees, unlicensed professionals, technicians, and clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.
- a. True
 - b. False
8. Licensed professional engineers must earn a minimum of 20 professional development hours, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted.
- a. True
 - b. False
9. The ethics hours must have been earned during the biennium to which they are applied and shall not be used toward carryover.
- a. True
 - b. False
10. Upon a showing that a person has engaged in an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or a violation of a statute, rule, or order that the board has issued or is empowered to enforce, a permanent or temporary injunction, restraining order, or other appropriate relief shall be granted.
- a. True
 - b. False

NSPE Code of Ethics for Engineers

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

1. Hold paramount the safety, health, and welfare of the public.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act for each employer or client as faithful agents or trustees.
5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

Rules of Practice

1. **Engineers shall hold paramount the safety, health, and welfare of the public.**
 - a. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - b. Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - c. Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
 - d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
 - e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. Engineers shall perform services only in the areas of their competence.

- a. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
- b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
- c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

3. Engineers shall issue public statements only in an objective and truthful manner.

- a. Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
- b. Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
- c. Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

- a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
- b. Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
- c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
- d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
- e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

- a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for

the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

- b. Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

- a. Engineers shall acknowledge their errors and shall not distort or alter the facts.
- b. Engineers shall advise their clients or employers when they believe a project will not be successful.
- c. Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
- d. Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
- e. Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.

2. Engineers shall at all times strive to serve the public interest.

- a. Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
- b. Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
- c. Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
- d. Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.
- e. Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

3. Engineers shall avoid all conduct or practice that deceives the public.

- a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
- b. Consistent with the foregoing, engineers may advertise for recruitment of personnel.
- c. Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

- a. Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
- b. Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

- a. Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
- b. Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

- a. Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
- b. Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
- c. Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.

- b. Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
 - c. Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
- 8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.**
- a. Engineers shall conform with state registration laws in the practice of engineering.
 - b. Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
- 9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.**
- a. Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - b. Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - c. Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - d. Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.

Footnote 1 "Sustainable development" is the challenge of meeting human needs for natural resources, industrial products, energy, food, transportation, shelter, and effective waste management while conserving and protecting environmental quality and the natural resource base essential for future development.

"By order of the United States District Court for the District of Columbia, former Section 11(c) of the NSPE Code of Ethics prohibiting competitive bidding, and all policy statements, opinions, rulings or other guidelines interpreting its scope, have been rescinded as unlawfully interfering with the legal right of engineers, protected under the antitrust laws, to provide price information to prospective clients; accordingly, nothing contained in the NSPE Code of Ethics, policy statements, opinions, rulings or other guidelines prohibits the submission of price quotations or competitive bids for engineering services at any time or in any amount."

Statement by NSPE Executive Committee

In order to correct misunderstandings which have been indicated in some instances since the issuance of the Supreme Court decision and the entry of the Final Judgment, it is noted that in its decision of April 25, 1978, the Supreme Court of the United States declared: "The Sherman Act does not require competitive bidding."

It is further noted that as made clear in the Supreme Court decision:

- a. Engineers and firms may individually refuse to bid for engineering services.
- b. Clients are not required to seek bids for engineering services.
- c. Federal, state, and local laws governing procedures to procure engineering services are not affected, and remain in full force and effect.
- d. State societies and local chapters are free to actively and aggressively seek legislation for professional selection and negotiation procedures by public agencies.
- e. State registration board rules of professional conduct, including rules prohibiting competitive bidding for engineering services, are not affected and remain in full force and effect. State registration boards with authority to adopt rules of professional conduct may adopt rules governing procedures to obtain engineering services.
- f. As noted by the Supreme Court, "nothing in the judgment prevents NSPE and its members from attempting to influence governmental action . . ."

Note: In regard to the question of application of the Code to corporations vis-a-vis real persons, business form or type should not negate nor influence conformance of individuals to the Code. The Code deals with professional services, which services must be performed by real persons. Real persons in turn establish and implement policies within business structures. The Code is clearly written to apply to the Engineer, and it is incumbent on members of NSPE to endeavor to live up to its provisions. This applies to all pertinent sections of the Code.

CHAPTER 1805**BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE
ARCHITECTURE, GEOSCIENCE, AND INTERIOR DESIGN****RULES OF PROFESSIONAL CONDUCT**

1805.0100	PROFESSIONAL CONDUCT.
1805.0200	OBLIGATION TO PROVIDE FULL DISCLOSURE.
1805.0300	CONFLICT OF INTEREST.
1805.0400	IMPROPER SOLICITATION OF EMPLOYMENT.
1805.0500	FALSE OR MALICIOUS STATEMENTS.
1805.0650	COMPETENCE.
1805.0700	COMPLIANCE WITH LAWS.
1805.0800	EMPLOYMENT PRACTICES.
1805.0900	PROFESSIONAL MISCONDUCT.
1805.1500	REGISTRATION.
1805.1600	RESPONSIBLE CHARGE AND DIRECT SUPERVISION.

1805.0100 PROFESSIONAL CONDUCT.

Subpart 1. **Purpose.** This chapter on professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying, landscape architecture, and geoscience, and the use of the title of certified interior design.

Subp. 2. **Scope.** This chapter is applicable to and binding upon each person, corporation, or partnership subject to the regulatory jurisdiction of the board.

Subp. 3. **Professional responsibility.**

A. The professional conduct of a licensee or certificate holder must be in accordance with this chapter.

B. When providing professional services, the licensee's or certificate holder's primary responsibility is the protection of the public's health, safety, and welfare.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279; 22 SR 90; 44 SR 485*

Published Electronically: *October 23, 2019*

1805.0200 OBLIGATION TO PROVIDE FULL DISCLOSURE.**Subpart 1. Public statements.**

A. A licensee or certificate holder shall avoid any act that may diminish public confidence in the profession and shall, at all times, conduct himself or herself, in all relations with clients and the public, so as to maintain its reputation for professional integrity.

B. A licensee or certificate holder shall be objective and truthful in all professional documents, including but not limited to plans, reports, statements, or testimony. The licensee or certificate holder shall consider relevant and pertinent information in such documents or testimony and express professional opinions publicly only when they are founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

Subp. 1a. **Credit.** In connection with the work for which the licensee or certificate holder is claiming credit, the licensee or certificate holder shall accurately represent the licensee's or certificate holder's qualifications, education, and scope of responsibility for the work. The licensee or certificate holder shall also accurately represent the qualifications, education, and scope of responsibility of any employer, employees, or associates.

Subp. 2. **False statements and nondisclosure.** A licensee or certificate holder shall not make a false statement or fail to disclose a material fact requested in connection with an application for certification, licensure, or renewal in this state or any other state.

Subp. 3. Knowledge of unqualified applicants.

A. A licensee or certificate holder shall not endorse an application for certification or licensure of another person known by the licensee or certificate holder to be unqualified in respect to character, education, experience, or other relevant factor.

B. A licensee or certificate holder possessing knowledge of an applicant's qualifications for examination, licensure, or certification shall cooperate with the applicant and the board by responding regarding those qualifications when requested to do so. A licensee or certificate holder shall provide verification of employment and experience earned by an applicant under supervision if there is reasonable assurance that the facts to be verified are accurate. A licensee or certificate holder shall not knowingly sign a verification document that contains false or misleading information.

Subp. 3a. **Knowledge of improper conduct by others.** A licensee or certificate holder possessing knowledge of any acts prohibited by this chapter, chapter 1800, or Minnesota Statutes, sections 326.02 to 326.15, by a licensee, certificate holder, or unlicensed individual shall report such knowledge to the board.

Upon questioning by the board or its representative during an official inquiry into an alleged act, a licensee or certificate holder shall disclose any knowledge the licensee or certificate holder may have in the matter.

Subp. 4. General prohibitions. A licensee or certificate holder shall not:

A. circumvent a rule of professional conduct through actions of another;

B. engage in illegal conduct involving moral turpitude;

C. engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

D. engage in conduct that adversely reflects on the licensee's fitness to practice the profession; or

E. permit the licensee's or certificate holder's name or seal to be affixed to plans, specifications, or other documents that were not prepared by or under the direct supervision of the licensee or certificate holder.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279; 44 SR 485*

Published Electronically: *October 23, 2019*

1805.0300 CONFLICT OF INTEREST.

Subpart 1. **Employment.** A licensee or certificate holder shall not accept a project where a duty to the client or the public would conflict with the personal interest of the licensee or certificate holder or the interest of another client. Prior to accepting a project, the licensee or certificate holder shall disclose to a prospective client such facts as may give rise to a conflict of interest.

Subp. 2. **Compensation.** A licensee or certificate holder shall not accept compensation for services relating or pertaining to the same project from more than one party unless:

A. there is a unity of interest between or among the parties to the project;

B. the licensee or certificate holder makes full disclosure; and

C. the licensee or certificate holder obtains the express consent of all parties from whom compensation will be received.

Subp. 3. Gifts.

A. Without the knowledge and approval of the client or the employer, a licensee or certificate holder shall not, directly or indirectly, solicit or accept any compensation, gratuity, or item of value from contractors, their agents, material or equipment suppliers, or other persons dealing with the client or employer in connection with the work for which the licensee or certificate holder has been retained.

B. A licensee or certificate holder shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensee or certificate holder is interested or involved.

Subp. 4. **Interpretations.** When acting as the interpreter of project contract documents or as the judge of contract performance, a licensee or certificate holder shall render decisions impartially, using the professional judgment of their licensed or certified discipline.

Statutory Authority: *MS s 326.06*

History: *44 SR 485*

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1805.0400 IMPROPER SOLICITATION OF EMPLOYMENT.

A. A licensee or certificate holder shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training, or experience.

B. A licensee or certificate holder shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A licensee or certificate holder is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279; 44 SR 485*

Published Electronically: *October 23, 2019*

1805.0500 FALSE OR MALICIOUS STATEMENTS.

A licensee or certificate holder shall not make false or malicious statements that may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279; 44 SR 485*

Published Electronically: *October 23, 2019*

1805.0600 [Repealed, 44 SR 485]

Published Electronically: *October 23, 2019*

1805.0650 COMPETENCE.

Subpart 1. **Standards of competence.** In practicing architecture, engineering, land surveying, landscape architecture, or geoscience, or when using the title of certified interior designer, each licensee or certificate holder shall act with reasonable care and competence and shall apply the knowledge and skill that is ordinarily applied by such professionals.

Subp. 2. **Conformance with state and local laws and regulations.** When providing professional services, a licensee or certificate holder shall not violate applicable state and local laws and regulations. Notwithstanding the duty of licensees and certificate holders to follow the law, in proceedings before the board, the board shall consider whether a licensee's or certificate holder's violation follows from incorrect advice on the meaning of a statute or regulation. In such a circumstance, the board shall consider the reasonableness of the licensee's or certificate holder's reliance on the incorrect advice in determining the appropriate sanction, if any, for the violation.

Subp. 3. **Qualifications for performing professional services.** A licensee or certificate holder shall perform professional services only when the licensee or certificate holder, together with those whom the licensee or certificate holder may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

Statutory Authority: *MS s 326.06*

History: *44 SR 485*

Published Electronically: *October 23, 2019*

1805.0700 COMPLIANCE WITH LAWS.

Subpart 1. **Violation of laws.** Convictions of a felony without restoration of civil rights, or disciplinary action taken against a licensee or certificate holder by another jurisdiction, if for cause which in the state of Minnesota would constitute a violation of law or of these rules, shall be deemed to be a violation of these rules of professional conduct.

Subp. 2. **Incompetence.** A licensee or certificate holder adjudged mentally incompetent by a court of competent jurisdiction shall, until restored to mental competency, be deemed to be incompetent to practice the profession within the meaning of Minnesota Statutes, section 326.11, subdivision 1.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279; 44 SR 485*

Published Electronically: *October 23, 2019*

1805.0800 EMPLOYMENT PRACTICES.

A licensee or certificate holder, as an employer, shall refrain from engaging in any discriminatory employment practice prohibited by law.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279; 44 SR 485*

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1805.0900 PROFESSIONAL MISCONDUCT.

Misconduct within the meaning of Minnesota Statutes, section 326.11, subdivision 1, shall include any act or practice in violation of the rules of professional conduct in this chapter. A licensee or certificate holder shall not engage in conduct involving bribery, collusion, corruption, fraud, or malfeasance.

Statutory Authority: *MS s 326.06*

History: *44 SR 485*

Published Electronically: *October 23, 2019*

1805.1500 REGISTRATION.

No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, land surveying, landscape architectural, or geoscience character as defined in Minnesota Statutes, sections 326.02 to 326.15, unless a member or employee of the corporation, partnership, or other firm in responsible charge of the work is registered and licensed under Minnesota Statutes, sections 326.02 to 326.15, to practice the profession called for by the employment.

Statutory Authority: *MS s 326.06*

History: *22 SR 90; 44 SR 485*

Published Electronically: *October 23, 2019*

1805.1600 RESPONSIBLE CHARGE AND DIRECT SUPERVISION.

Subpart 1. **Responsible charge; defined.** A person in responsible charge of architectural, engineering, land surveying, landscape architectural, geoscience, or certified interior design work as used in Minnesota Statutes, section 326.14, means the person who determines and reviews design criteria, including technical aspects, advises with the client, and has direct supervision of subordinates during the course of the work and, in general, the person whose professional skill and judgment are embodied in the plans, designs, and advice involved in the work.

Subp. 2. **Direct supervision; defined.** A person in "direct supervision" of work as referred to in Minnesota Statutes, section 326.12, subdivision 3, means that person who is the employer, an employee of the same firm, or who is under contract to or from another firm and who is in responsible charge of the technical aspects of the architectural, engineering, land surveying, landscape architectural, geoscience, or certified interior design work in progress, and whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, unlicensed professionals, technicians, and clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

Statutory Authority: *MS s 326.06*

History: *38 SR 59; 44 SR 485*

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CHAPTER 1800**BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE
ARCHITECTURE, GEOSCIENCE, AND INTERIOR DESIGN****LICENSING AND OPERATION****GENERALLY**

1800.0050	DEFINITIONS.
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1800.0110	APPEARANCE BEFORE BOARD.
1800.0120	NOTIFICATION.
1800.0130	EXAMINATION IRREGULARITIES; CHEATING AND NONCOMPLIANT CONDUCT.
1800.0140	SECURITY AND IRREGULARITIES.
1800.0200	CLASSES OF LICENSEES.
1800.0300	IN-TRAINING CLASSIFICATIONS.
1800.0400	APPLICATION FOR EXAMINATION, LICENSURE, AND CERTIFICATION.
1800.0450	TEMPORARY MILITARY LICENSE OR CERTIFICATE.
1800.0500	FEES.
1800.0600	CERTIFICATE OF REGISTRATION.
1800.0800	PROOF OF QUALIFICATION TO PRACTICE.
1800.0850	COMITY APPLICATION PROCEDURES.
1800.0900	QUALIFICATION PROCEDURES.

EXAMINATION OF ARCHITECT APPLICANTS

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1800.1100	PROCEDURES.
1800.1200	EXAMINATION.

EXAMINATION OF LANDSCAPE ARCHITECT APPLICANTS

1800.1500	EDUCATION AND EXPERIENCE.
1800.1700	WRITTEN EXAMINATIONS.
1800.1750	PROCEDURES.

**EXAMINATION OF CERTIFIED INTERIOR
DESIGNER APPLICANTS**

1800.2100	EDUCATION AND EXPERIENCE.
1800.2200	PROCEDURES.

EXAMINATION OF ENGINEER APPLICANTS

1800.2500	EDUCATION AND EXPERIENCE.
1800.2600	ORAL INTERVIEW.

- 1800.2700 WRITTEN EXAMINATION.
- 1800.2800 ENGINEERS QUALIFIED BY GRADUATION, LONG EXPERIENCE, AND EXAMINATION.
- 1800.2805 QUALIFYING EXPERIENCE DEFINED.
- 1800.2900 PROCEDURES.

EXAMINATION OF LAND SURVEYOR APPLICANTS

- 1800.3505 EDUCATION AND EXPERIENCE.
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- 1800.3900 GEOSCIENCE DISCIPLINES.
- 1800.3910 EDUCATION AND EXPERIENCE.
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CERTIFICATES

- 1800.4000 CERTIFICATES OF RECORD.
- 1800.4100 CERTIFICATE OF LICENSURE OR CERTIFICATION.
- 1800.4200 CERTIFICATION AND SIGNATURE.
- 1800.4300 SEAL.
- 1800.4500 INVESTIGATOR.
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EXEMPT CLASSES OF BUILDINGS

- 1800.5000 PURPOSE.
- 1800.5100 DEFINITIONS.
- 1800.5200 GENERAL REQUIREMENT AND EXCEPTIONS.
- 1800.5300 PLANS SUPPLIED TO BUILDING OFFICIALS.
- 1800.5400 NONAPPLICABILITY OF EXEMPTIONS.
- 1800.5500 NONEXCLUSIVITY OF RULES.
- 1800.5600 SEVERABILITY.
- 1800.5900 CLASSES OF BUILDINGS.

GENERALLY

1800.0050 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter and chapter 1805, the terms defined in this part have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means a person applying to take the Architect Registration Examination, Fundamentals of Engineering Examination, Principles and Practice of Engineering Examination, Fundamentals of Surveying Examination, Principles and Practice of Surveying Examination, Minnesota Local Land Surveying Examination, Fundamentals of Geology Examination, Practice of Geology Examination, Fundamentals of Soil Science Examination, or Professional Practice of Soil Science Examination or a person applying for licensure as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or a person applying for certification as a certified interior designer. Applicant also means a candidate and persons who have passed their respective professional examination but have not yet received their license or certificate in Minnesota.

Subp. 3. **ASBOG.** "ASBOG" means the National Association of State Boards of Geology.

Subp. 4. **Certificate holder.** "Certificate holder" means a person who is or has been certified by the board as a certified interior designer.

Subp. 5. **CIDQ.** "CIDQ" means the Council for Interior Design Qualification.

Subp. 6. **CLARB.** "CLARB" means the Council of Landscape Architectural Registration Boards.

Subp. 7. **CSSE.** "CSSE" means the Council of Soil Science Examiners.

Subp. 8. **Examinee.** "Examinee" means an applicant who has been approved by the board to take the Architect Registration Examination, Fundamentals of Engineering Examination, Principles and Practice of Engineering Examination, Fundamentals of Surveying Examination, Principles and Practice of Surveying Examination, Minnesota Land Surveying Examination, Fundamentals of Geology Examination, Practice of Geology Examination, Fundamentals of Soil Science Examination, or Professional Practice of Soil Science Examination.

Subp. 9. **Graduate curriculum.** "Graduate curriculum" means a curriculum of education culminating in a master's degree or doctorate degree.

Subp. 10. **Graduate degree.** "Graduate degree" means a master's degree or doctorate degree.

Subp. 11. **Licensee.** "Licensee" means a person who is or has been licensed by the Minnesota board as an architect, professional engineer, land surveyor, landscape architect, professional geologist, or professional soil scientist.

Subp. 12. **NCARB.** "NCARB" means the National Council of Architectural Registration Boards.

Subp. 13. **NCEES.** "NCEES" means the National Council of Examiners for Engineering and Surveying.

Subp. 14. **NCIDQ.** "NCIDQ" means the National Council for Interior Design Qualification.

Statutory Authority: *MS s 326.06*

History: 35 SR 2011; 43 SR 89

Published Electronically: August 16, 2018

1800.0100 COOPERATION IN COMMUNICATIONS.

An applicant, licensee, or certificate holder shall respond to communications from the board, committees of the board, or the assistant attorney general on behalf of the board within 30 days of the mailing of communications, unless an earlier response is specified. An applicant, licensee, or certificate holder shall appear before the board, committees of the board, or the attorney general when requested to do so and provide copies of all pertinent records, including handwriting samples, to assist the board in its investigations. An applicant, licensee, or certificate holder shall sign an authorization letter giving the board access to information relating to a board investigation that is held by any federal, state, or other local government agency or professional organization, the subject matter of which pertains to conduct described in Minnesota Statutes, sections 326.02 to 326.15, when requested to do so by the board or by the attorney general.

Statutory Authority: MS s 326.06

History: 35 SR 2011

Published Electronically: July 7, 2011

1800.0110 APPEARANCE BEFORE BOARD.

For purposes of assisting the board in determining the person's qualifications or compliance with Minnesota Statutes or Minnesota Rules, and at the request of the board, a committee of the board, or the attorney general on behalf of the board, a holder or applicant of a certificate or license issued by the board shall:

A. appear and provide sworn testimony before the board, a committee of the board, or the attorney general;

B. respond to any questions of the board, a committee of the board, or the attorney general; and

C. produce any evidence requested by the board, a committee of the board, or the attorney general.

Nothing in this part limits the board from requiring appearance before the board under any applicable statute or rule.

Statutory Authority: MS s 326.06

History: 35 SR 2011

Published Electronically: July 7, 2011

1800.0120 NOTIFICATION.**Subpart 1. Required information.**

A. Each applicant, licensee, or certificate holder shall provide the board a current street address and telephone number. A post office box address is not sufficient to satisfy this requirement. Each applicant, licensee, or certificate holder must notify the board in writing of any change in address within 30 days of the change.

B. Each applicant, licensee, or certificate holder shall provide the board with a legal name change document within 30 days of any change in name.

C. Each applicant, licensee, or certificate holder must notify the board in writing within ten days if the applicant, licensee, or certificate holder has been convicted of or has pled guilty or nolo contendere to a felony, an element of which is dishonesty or fraud, whether or not the person admits guilt.

D. Each applicant, licensee, or certificate holder must notify the board in writing within 60 days if the applicant, licensee, or certificate holder has had an architecture, engineering, land surveying, landscape architecture, geoscience license, or interior design certificate, right to exam, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, in the District of Columbia, or in any foreign country.

Statutory Authority: *MS s 326.06*

History: *35 SR 2011; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.0130 EXAMINATION IRREGULARITIES; CHEATING AND NONCOMPLIANT CONDUCT.

Subpart 1. **Generally.** Cheating or noncompliant conduct by an applicant in applying for or taking the examination, or discovered subsequent to the examination, will result in the board initiating a complaint and investigation, which may lead to sanctions as identified in Minnesota Statutes, section 326.111.

Subp. 2. **Actions constituting cheating.** For purposes of Minnesota Statutes, section 326.111, subdivision 4, paragraph (a), clause (5), the following acts and practices are considered fraudulent, deceptive, or dishonest:

A. falsifying or misrepresenting educational credentials or other information required by the board to sit for the examination;

B. conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials;

C. impersonating an examinee or permitting an impersonator to take the examination on one's own behalf;

D. unauthorized access or reference to prohibited devices or materials, inside of or outside of the examination room, other than that provided to the candidate by the examination administrator as part of the examination or as authorized by the board while the candidate is taking the examination;

E. conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;

F. unauthorized disclosure of examination questions or content; or

G. seeking out confidential examination questions or content.

Subp. 3. **Nonlimitation of authority.** This part does not limit the authority of the board from taking action against an applicant, examinee, licensee, or certificate holder for conduct not specifically described in this part.

Subp. 4. **Remedial action during examination.** In any case in which it appears that cheating has occurred or is occurring, the board or an exam administrator will take action including summarily expelling the candidate involved from the examination or moving the candidate to a position in the test site away from other examinees where the candidate can be watched more closely.

Subp. 5. **Compliance with examination policies and procedures.** Examinees shall abide by the exam administrator's published examination policies and procedures. An examinee who does not fully comply with the exam administrator's requirements is subject to dismissal from the remainder of the examination in addition to any action taken by the board under Minnesota Statutes, section 326.111.

Subp. 6. **Consequences of noncompliant conduct with examination policies and procedures.** Evidence of failing to comply with the exam administrator's policies and procedures subsequent to an examination will be cause for action by the board. Examinees who do not fully comply with the exam administrator's policies and procedures during and after an examination are subject to having their exam results invalidated and being prohibited from taking the examination for a period of time of up to two years. Licensure examinations taken and passed in other states are not acceptable for licensure purposes in Minnesota while an individual is barred from taking a licensure examination in Minnesota.

Statutory Authority: *MS s 326.06*

History: *35 SR 2011; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.0140 SECURITY AND IRREGULARITIES.

Notwithstanding any other provisions under this chapter, the board may postpone scheduled examinations, the grading of examinations, or the issuance of certificates due to a breach of examination security; unauthorized acquisition or disclosure of the contents of an examination;

suspected or actual negligence, errors, omissions, or irregularities in conducting an examination; or for any other reasonable cause.

Statutory Authority: *MS s 326.06*

History: *35 SR 2011*

Published Electronically: *July 7, 2011*

1800.0200 CLASSES OF LICENSEES.

There shall be three classes of licensees as follows:

A. Class 1: those who were licensed without examination:

- (1) prior to July 1, 1933; or
- (2) by exemptions after 1933.

B. Class 2: those licensed by comity under the provisions of the law.

C. Class 3: those licensed after satisfying the applicable educational requirements, meeting the applicable experience requirements, and achieving successful passage of the applicable professional examination.

Statutory Authority: *MS s 326.06; 326.10*

History: *21 SR 1427; 22 SR 90; 29 SR 754; 38 SR 59*

Published Electronically: *July 22, 2013*

1800.0300 IN-TRAINING CLASSIFICATIONS.

There shall be a classification of engineer-in-training, a classification of land surveyor-in-training, a classification of geologist-in-training, and a classification of soil scientist-in-training. For examination of engineer-in-training see parts 1800.2500 to 1800.2900, for examination of land surveyor-in-training see parts 1800.3505 to 1800.3750, for examination of geologist-in-training see parts 1800.3900 to 1800.3930, and for examination of soil scientist-in-training see parts 1800.3900 to 1800.3930.

Statutory Authority: *MS s 197.4552; 326.06*

History: *21 SR 1427; 22 SR 90; 27 SR 584; 38 SR 59; 40 SR 431*

Published Electronically: *October 22, 2015*

1800.0400 APPLICATION FOR EXAMINATION, LICENSURE, AND CERTIFICATION.

Subpart 1. **Forms and filing.** Applications for examination, licensure, or certification must be made on forms provided by the board and must be filed with the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design and accompanied by payment of the application fee as specified in Minnesota Statutes, section 326.105. An applicant shall file an application for licensure as an architect following passage of the Architectural Registration Examination (ARE) or meeting the requirements in part 1800.0800. An

applicant shall file an application for certification as a certified interior designer following passage of the National Council for Interior Design Qualification (NCIDQ) examination or meeting the requirements outlined in part 1800.0800 or 1800.2100, subpart 5. An applicant shall file an application for licensure as a landscape architect following successful passage of the Landscape Architect Registration Examination (LARE) or meeting the requirements in part 1800.0800. Applications for examination, licensure, or certification must include a signed certification as described in subpart 5.

Subp. 1a. **Information required.** The applicant shall submit to the board, on a form provided by the board, the following information:

- A. place and date of birth;
- B. time and place of schools attended and studies completed;
- C. status relative to graduation from such schools or completion of studies;
- D. final official transcript showing the degree or degrees awarded and date of graduation;
- E. for engineer, land surveyor, geologist, and soil scientist applicants, whether the Fundamentals of Engineering (FE), Fundamentals of Surveying (FS), geologist-in-training, or soil scientist-in-training examination has been successfully completed;
- F. for landscape architect applicants, whether the Landscape Architect Registration Examination (LARE) has been successfully completed;
- G. for certified interior designer applicants, whether the written examination administered by the Council for Interior Design Qualification (CIDQ) has been successfully completed;
- H. a record of personal employment, with all dates and with complete information relative to duties and type of work performed, and particularly outlining the applicant's responsibilities in charge of the whole or any part thereof; and
- I. a signed copy of a statement that the applicant has read the Board Rules of Professional Conduct.

Subp. 1b. **Failure to complete application.** The board shall consider an application withdrawn if the applicant fails to provide the board with all required information pertaining to the application within six months of the board's receipt of the application.

Subp. 2. **Evaluation of information.** The information required by subpart 1a shall be evaluated by the board and if the applicant is found ineligible for admission to the examination, ineligible for licensure as an architect or landscape architect, or ineligible for certification as a certified interior designer, at the time of application, the applicant shall be notified in writing and given the reasons for the ineligibility. If an applicant for licensure as an architect or landscape architect is eligible for licensure at the time of application, the applicant shall be notified by the board in writing. If an applicant for certification as a certified interior designer is eligible for certification at the time of application, the applicant shall be notified by the board in writing. If an applicant for examination

is eligible for admission to the examination at the time of application, the applicant shall be notified by the board in writing.

Subp. 3. In-training application.

A. Applications for examination and certification as a land surveyor-in-training must be made on forms provided by the board, and accompanied by the application fee as specified in Minnesota Statutes, section 326.105.

B. Applications for certification as an engineer-in-training must be made on forms provided by the board, and accompanied by the application fee as specified in Minnesota Statutes, section 326.105.

C. Applications for examination and certification as a geologist-in-training or a soil scientist-in-training must be made on forms provided by the board, and accompanied by the application fee as specified in Minnesota Statutes, section 326.105.

Subp. 4. Reinstatement application.

A. A licensee or certificate holder who applies for reinstatement of licensure as an architect, professional engineer, land surveyor, landscape architect, professional geologist, or professional soil scientist, or for reinstatement of certification as a certified interior designer, must apply on forms provided by the board, and submit the fees specified in Minnesota Statutes, section 326.10, subdivision 9.

B. The board shall evaluate completed applications and, if the licensee or certificate holder is found eligible for reinstatement of licensure or certification, the board shall reinstate the license or certificate and notify the licensee or certificate holder in writing. If the licensee or certificate holder is found ineligible for reinstatement of licensure or certifications, the board shall notify the licensee or certificate holder in writing and give the reasons for ineligibility.

C. The applicant for reinstatement shall submit to the board, on a form provided by the board, the following information:

(1) a list of professional development hours completed within the four years immediately prior to reinstatement, including the dates of the activity, sponsoring organization, description of the activity, and number of professional development hours claimed for each activity, unless the board has granted an exemption under Minnesota Statutes, section 326.107, subdivision 4;

(2) a statement of explanation if the applicant has had a license or certificate disciplined, denied, surrendered, suspended, or revoked in any jurisdiction since the applicant's last license or certificate renewal in Minnesota; and

(3) a signed certification as described in subpart 5.

Subp. 5. Certification. An applicant for examination, licensure, certification, or reinstatement shall submit to the board, on a form provided by the board, a certification affirming that the applicant:

A. has read and will comply with Minnesota Statutes, sections 326.02 to 326.15, and any rule adopted thereunder;

B. is not under any disciplinary proceeding or action in any other jurisdiction;

C. has never been convicted of a felony;

D. has not represented himself or herself as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certified interior designer, without proper licensure or certification, either verbally or on any printed matter, in the state;

E. will not represent himself or herself as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certified interior designer, without proper licensure or certification, either verbally or on any printed matter, in the state until the applicant's license or certificate has been issued or reinstated by the board;

F. has not performed or offered to perform architectural, professional engineering, land surveying, landscape architectural, professional geological, professional soil scientific, or certified interior design services, without proper licensure or certification in the state; and

G. will not perform or offer to perform architectural, professional engineering, land surveying, landscape architectural, professional geological, professional soil scientific, or certified interior design services, without proper licensure or certification in the state until the applicant's license or certificate has been issued or reinstated by the board.

Applicants who are unable to affirm any part of the certification under this subpart must indicate which statement or statements cannot be affirmed and include an explanation for board review with the application for examination, licensure, certification, or reinstatement.

Statutory Authority: *MS s 197.4552; 326.06; 326.10*

History: *21 SR 1427; 22 SR 90; 29 SR 754; 33 SR 2041; 35 SR 2011; 38 SR 59; 40 SR 431; 43 SR 89; 43 SR 1301*

Published Electronically: *May 13, 2019*

1800.0450 TEMPORARY MILITARY LICENSE OR CERTIFICATE.

Subpart 1. **Information required.** An applicant shall submit an application for a temporary military license or certificate under Minnesota Statutes, section 197.4552, accompanied by payment of the license fee as specified in Minnesota Statutes, section 326.10, subdivision 10. The application must be made under oath on a form provided by the board and must include one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct. The applicant shall supply the board with evidence of all of the following:

A. military status:

(1) active duty military member;

(2) spouse of an active duty military member; or

(3) confirmation of an honorable or general discharge status within the two years preceding the date of temporary military certificate application;

B. verification of current licensure or certification in another state; and

C. a current criminal background study.

Subp. 2. **Evaluation of information.** The board shall evaluate the information required by subpart 1. If the board finds the applicant is eligible for licensure or certification, the board shall issue a temporary license or certificate and notify the applicant in writing. If the board finds the applicant is ineligible for a temporary military license or certificate, the board shall notify the applicant in writing and give the reasons for ineligibility.

Subp. 3. **Temporary license or certificate period.** A temporary military license or certificate is valid for not more than six months from the date of issuance and expires on the date listed on the temporary license or certificate, upon the board's determination that the applicant is ineligible for licensure or certification, or upon issuance of a license or certificate under part 1800.4100, whichever occurs first.

Subp. 4. **Application required.** During the temporary license or certificate period, the individual shall complete the full application required for licensure as an architect, professional engineer, land surveyor, landscape architect, or geoscientist or for certification as a certified interior designer. If the board finds an applicant is eligible for licensure, the board shall issue a certificate of licensure as provided under part 1800.4100 and notify the applicant. If the board finds the applicant is eligible for certification, the board shall issue a certificate as provided under part 1800.4100, subpart 7, and notify the applicant. If the board finds the applicant is ineligible for licensure or certification, the board shall notify the applicant in writing and give the reasons for ineligibility.

Subp. 5. **Limitations.** The board shall not issue a temporary military license or certificate to an applicant who has previously received a temporary license or certificate. A temporary military license or certificate shall not be renewed.

Statutory Authority: *MS s 197.4552; 326.06*

History: *40 SR 431*

Published Electronically: *October 22, 2015*

1800.0500 FEES.

Subpart 1. **Requirements.** An application for examination as a professional engineer, land surveyor, professional geologist, or professional soil scientist must be accompanied by an application fee as provided by Minnesota Statutes, section 326.105. The board shall charge, or provide for a third party to charge, each applicant a fee for examination and an examination monitoring fee as provided by Minnesota Statutes, section 326.105.

Following an applicant's completion of the requirements for licensure, the board shall supply the applicant with an application for licensure as an architect, professional engineer, land surveyor, landscape architect, professional geologist, or professional soil scientist, which the applicant shall

complete and return with the initial fee for licensure as provided by Minnesota Statutes, section 326.105. Following an applicant's completion of the requirements for certification, the board shall supply the applicant with an application for certification as a certified interior designer, which the applicant shall complete and return with the initial fee for certification as provided by Minnesota Statutes, section 326.105. An applicant applying for licensure by comity under part 1800.0800, item F, G, H, or I, shall pay an application fee under subpart 7, item A. Upon approval by the board, an applicant for licensure as a land surveyor by comity under part 1800.0800, item G, shall submit an examination fee in the amount established by the local testing agency and an examination monitoring fee as provided in Minnesota Statutes, section 326.105.

An application for renewal of licensure as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certification as a certified interior designer must be accompanied by a renewal fee as provided in Minnesota Statutes, section 326.105.

An application for examination as a land surveyor-in-training, geologist-in-training, or soil scientist-in-training must be accompanied by an application fee as provided in Minnesota Statutes, section 326.105. Upon approval by the board, an applicant for an examination administered by the board shall pay to the board a fee in the amount established by the applicable national testing agency and an examination monitoring fee as provided by Minnesota Statutes, section 326.105. For examinations administered by a third-party vendor, the applicant shall pay the actual fee for examination to the national testing agency in a manner it prescribes. Information concerning the current examination fee charged by the applicable national testing agency may be obtained by contacting the board offices.

For applicants who are found to be ineligible for admission to the examination or fail the examination, a new application for examination shall be submitted each time the applicant applies to take the examination.

An application for certification as an engineer-in-training must be accompanied by an application fee as provided in Minnesota Statutes, section 326.105.

Subp. 2. **Refunds.** Application fees are not refundable. Examination, licensure, or certification fees must not be refunded except for those circumstances when an applicant does not meet the education, examination, or experience requirements for examination, licensure, or certification.

Subp. 3. [Repealed, L 1999 c 213 s 5]

Subp. 4. **Delayed renewal fee.** A renewal fee is a delayed renewal fee within the meaning of Minnesota Statutes, section 326.10, subdivision 9, if it is not postmarked on or before June 30 of the year specified in Minnesota Statutes, section 326.105. The delayed renewal fee is \$30 for the first three months of the lapsed period and \$60 for months four to 24. The delayed renewal fee is computed from July 1 of any even-numbered year and is in addition to the renewal fee provided in Minnesota Statutes, section 326.105.

Subp. 5. [Repealed, 22 SR 90]

Subp. 6. [Repealed, 22 SR 90]

Subp. 7. **Additional fees.** In addition to all other fees for examination, licensure, or certification, as provided in this part or Minnesota Statutes, section 326.10, subdivision 1, the following schedule of fees is applicable:

A. for each application for licensure by comity under Minnesota Statutes, section 326.10, subdivision 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, or in any foreign country, a fee of \$100;

B. for reissuance of a revoked, lost, destroyed, duplicated, or mutilated certificate of licensure or certificate as a certified interior designer, \$25;

C. for certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration or licensure in another state, the cost of reproducing the document will be ten cents per sheet;

D. for monitoring licensing examinations for applicants of boards of other states, the fee shall be \$25, payable by the applicant;

E. an applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination; and

F. for retaking all or any part of any examination for certification or licensure, the fee shall be established by the national testing agency.

Statutory Authority: *MS s 214.06; 214.12; 326.06; 326.10*

History: *8 SR 1777; 12 SR 2574; 14 SR 2988; 17 SR 711; 18 SR 2174; 21 SR 1427; 22 SR 90; L 1999 c 213 s 5,6; 29 SR 754; 38 SR 59; 43 SR 89; 43 SR 1301*

Published Electronically: *May 13, 2019*

1800.0600 CERTIFICATE OF REGISTRATION.

Certification of an applicant's technical qualifications by the National Council of Architectural Registration Boards (NCARB), the National Council of Examiners for Engineering and Surveying (NCEES), the Council of Landscape Architectural Registration Boards (CLARB), or the Council for Interior Design Qualification (CIDQ) may be accepted by the board as establishing such qualifications, and the applicant, in such instances, will not be required to pass further examination.

Statutory Authority: *MS s 197.4552; 326.06; 326.10*

History: *21 SR 1427; 29 SR 754; 40 SR 431*

Published Electronically: *October 22, 2015*

1800.0700 [Repealed, 21 SR 1427]

Published Electronically: *July 7, 2011*

1800.0800 PROOF OF QUALIFICATION TO PRACTICE.

An applicant shall submit evidence to the board indicating that the applicant is qualified to practice in the profession or field of major practice in which the applicant seeks licensure or certification. The burden of proof is upon the applicant who should make every effort to present qualifications fully and clearly. Qualifications shall be established by one or more of the following methods:

- A. by passing a written examination;
- B. by submitting satisfactory exhibits of technical qualifications;
- C. by submitting a council certificate prepared by the National Council of Architectural Registration Boards (NCARB), for architect applicants only;
- D. by submitting a council record prepared by the National Council of Examiners for Engineering and Surveying (NCEES) for engineer applicants only;
- E. by submitting a council record prepared by the Council of Landscape Architectural Registration Boards (CLARB), for landscape architect applicants only;
- F. for licensure by comity as an architect, engineer, or landscape architect, by submitting documentation of completion of the requirements in Minnesota Statutes, section 326.10, subdivision 1, clause (2);
- G. for licensure by comity as a land surveyor, by submitting documentation of completion of the requirements in Minnesota Statutes, section 326.10, subdivision 1, clause (2). In addition, the applicant is required to successfully complete the local professional practice examination;
- H. for certification by comity as a certified interior designer, by submitting documentation of completion of the requirements in Minnesota Statutes, section 326.10, subdivision 1, clause (2). Applicants who were certified in other states prior to August 1, 1992, shall meet the requirements of part 1800.2100; or
- I. for licensure within a professional geoscience discipline by comity, by submitting documentation of completion of the requirements in Minnesota Statutes, sections 326.10, subdivision 1, clause (2).

Statutory Authority: *MS s 197.4552; 214.12; 326.06; 326.10*

History: *17 SR 1279; 18 SR 2174; 21 SR 1427; 22 SR 90; 27 SR 584; 29 SR 754; 36 SR 1103; 38 SR 59; 40 SR 431*

Published Electronically: *October 22, 2015*

1800.0850 COMITY APPLICATION PROCEDURES.

Subpart 1. **Definition.** For the purposes of this chapter, "comity" means an application submitted under Minnesota Statutes, section 326.10, subdivision 1, clause (2).

Subp. 2. **Information required.** An applicant shall submit an application accompanied by payment of the application fee in part 1800.0500, subpart 7, item A. The application must be made on a form provided by the board and must include one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct and a signed certification as described in part 1800.0400, subpart 5. The applicant shall supply the board with evidence of completion of the required education, examination, and experience requirements by submitting:

- A. a council record as specified under part 1800.0800, item C, D, or E; or
- B. (1) official transcripts of grades showing the degrees awarded and dates of graduation;
(2) a detailed listing of experience gained with signed experience reference forms submitted by the supervisor;
(3) verification of current licensure or certification in another jurisdiction; and
(4) verification of passing the required examinations.

Subp. 3. **Evaluation of information.** The board shall evaluate the information required by subpart 2. If the board finds the applicant eligible for licensure or certification, the board shall notify the applicant in writing and shall provide the applicant with the procedure for paying the licensure or certification fee required by Minnesota Statutes, section 326.105. If the board finds the applicant ineligible for licensure or certification, the board shall notify the applicant in writing and give the reasons for ineligibility.

Subp. 4. **Failure to complete application.** The board shall consider an application withdrawn if the applicant fails to provide the board with all required information pertaining to the application within six months of the board's receipt of the application.

Statutory Authority: *MS s 326.06*

History: *43 SR 89*

Published Electronically: *August 16, 2018*

1800.0900 QUALIFICATION PROCEDURES.

Subpart 1. **Exhibits.** Exhibits in connection with oral interview or written examination shall be submitted when requested by the board.

Subp. 2. [Repealed, 21 SR 1427]

Subp. 3. **Examination required.** An applicant for certification as an engineer-in-training, a land surveyor-in-training, a geologist-in-training, or a soil scientist-in-training must take all parts of the applicable fundamentals examination at one time. An applicant for licensure as a professional engineer, land surveyor, professional geologist, or professional soil scientist must pass the applicable fundamentals examination prior to taking the professional examination, except for an applicant who meets the requirements for waiver of the fundamentals examination.

An applicant for licensure as a professional engineer, professional geologist, or professional soil scientist must take all parts of the professional examination at one time.

Subp. 4. **Reexamination.** An applicant who does not receive a passing grade in an examination may submit a new application for examination. The application must be accompanied by an application fee as required under Minnesota Statutes, section 326.105. The board shall require an applicant failing an examination three or more times to submit evidence of improved qualifications before approving a new application for examination.

Subp. 5. **Date and place of examination.** Oral interviews may be given each year at such times as may be designated by the board. A candidate who files an application for licensure by examination and is determined to be eligible for admission to the examination will be informed of the date and place of the examination in writing. Examinations shall be scheduled once the applicant's application is approved.

Subp. 6. **Registration in another state.** An applicant duly registered in another state and whose registration is current, upon application for a temporary permit and notification from the Minnesota board that the temporary permit has been granted may practice the applicant's profession according to Minnesota Statutes, section 326.13, while the application for licensure or certification is pending board review.

The plans, specifications, and reports prepared by the applicant during the period in which the application is pending must bear the certification stamp of the state in which the applicant is registered along with a statement that the applicant has applied for registration in Minnesota and that the application is pending. The applicant shall place this stamp on each sheet of the set of drawings prepared for the project and on the title sheet of specifications and reports.

The Minnesota board does not require the use of a seal. If the state in which the applicant is registered has a seal or provisions for signing and dating plans, specifications, and reports, this will be acceptable. If the seal does not provide for signing and dating the plans, the applicant shall sign and date the plans under the seal imprint on each plan certified.

Subp. 7. **Application for temporary permit.**

A. Concurrent with the submission of an application for licensure as an architect, engineer, or geoscientist, or certification as a certified interior designer by comity, the applicant may submit an application for temporary permit under Minnesota Statutes, section 326.13, clause (1). The application must be made on a form provided by the board and must include details about the specific job for which the temporary permit is sought.

B. Upon receipt of all parts of an application for licensure or certification by comity under part 1800.0850, the board shall notify, in writing, an applicant who has requested a temporary permit whether the requirements for licensure or certification have been met. If the requirements for licensure or certification have been met, the board shall supply the applicant with a temporary permit that must be signed by the applicant and returned to the board office within five business days. Temporary permits are valid for not more than 60 days and expire on the date listed on the permit or upon issuance of a license or certificate number, whichever occurs first.

Statutory Authority: *MS s 326.06; 326.10*

History: 17 SR 1279; 21 SR 1427; 22 SR 90; 27 SR 584; 29 SR 754; 36 SR 1103; 38 SR 59; 43 SR 89

Published Electronically: August 16, 2018

EXAMINATION OF ARCHITECT APPLICANTS

1800.1000 EDUCATION AND EXPERIENCE.

Subpart 1. **Examination requirement.** An applicant for licensure as an architect shall pass the examination as described in part 1800.1200 and satisfy the education and experience requirements in subparts 5 and 6. An applicant for licensure under part 1800.0800, item C or F, must satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state.

Subp. 1a. **Admission to examination.** For admission to the examination, an applicant shall apply directly to the National Council of Architectural Registration Boards (NCARB) and follow the procedures outlined by NCARB. The applicant must present evidence of one of the following:

A. the applicant meets the education requirement described in subpart 5 and has enrolled in the Architectural Experience Program (AXP) described in subpart 6; or

B. the applicant is actively participating in an architectural curriculum accredited by the National Architectural Accrediting Board (NAAB) that has been accepted into the NCARB Integrated Path to Architectural Licensure (IPAL) program.

Subp. 2. [Repealed, 14 SR 2988]

Subp. 3. [Repealed, 14 SR 2988]

Subp. 4. [Repealed, 14 SR 2988]

Subp. 5. **Education requirement.** An applicant for licensure must present evidence of graduation from an architectural curriculum accredited by the National Architectural Accrediting Board (NAAB), the Canadian Architectural Certification Board (CACB) or architectural education equivalent to an NAAB-accredited degree.

An applicant holding a degree from a foreign college or university must be granted credit toward the requirements of this subpart on the same basis as a graduate of a United States college or university if the board determines that the educational requirements for the degree are equivalent to the requirements of this subpart. The applicant shall obtain an Education Evaluation Services for Architects (EESA) evaluation report to submit with the initial application for evaluation by the board.

Subp. 6. **Experience requirement.** An applicant for licensure must present evidence of completion of the experience requirement. Qualifying credits for experience must be granted as described in items A and B.

A. The applicant's total experience must meet the requirements for qualifying experience in subpart 7.

B. Experience must comply with either:

(1) the Architectural Experience Program Guidelines (AXP) published by the National Council of Architectural Registration Boards (NCARB), July 2016, which is incorporated by reference, is available at the State Law Library and the board office, and is subject to frequent change;

(2) the Intern Development Program Guidelines (NCARB-IDP) published by NCARB, if the candidate completed the program before June 29, 2016; or

(3) the Minnesota Intern Development Program if the candidate began the program prior to March 1, 1997.

A candidate is responsible for establishing a National Council of Architectural Registration Boards - Architectural Experience Program (AXP) record.

Subp. 7. **Qualifying experience defined.** As used in this part, "qualifying experience" consists of value units as required to satisfy the Architectural Experience Program (AXP) requirements as defined in the National Council of Architectural Registration Boards - Architectural Experience Program guidelines.

Subp. 8. [Repealed, 21 SR 1427]

Statutory Authority: *MS s 197.4552; 326.06*

History: *L 1987 c 258 s 12; 14 SR 2988; L 1989 c 246 s 2; 21 SR 1427; 25 SR 1862; 33 SR 2041; 38 SR 59; 40 SR 431; 43 SR 89; 43 SR 1301*

Published Electronically: *May 13, 2019*

1800.1100 PROCEDURES.

Subpart 1. **Completion date.** An applicant is eligible for licensure upon verified completion of the education, examination, and experience requirements.

Subp. 2. **Application for licensure.** An applicant for initial licensure as an architect shall submit to the board a completed application, including verification of meeting the education and experience requirements described in part 1800.1000, subpart 1a, and payment of the application fee in Minnesota Statutes, section 326.105. The application must be submitted on a form provided by the board. If the applicant was not required to complete NCARB-AXP or NCARB-IDP, the applicant shall include a detailed listing of all architecturally related experience gained according to part 1800.1000. The experience listing must include the name and mailing address of the applicant's supervising licensed architect or other supervisor for each period of employment. The board shall provide the applicant an experience reference form that must be signed and submitted to the board by each supervisor for each period of employment during which qualifying architectural experience was gained. The applicant shall submit an official transcript of grades showing the degree awarded and date of graduation for all undergraduate and graduate degree programs. The

application must include one signed copy of Board Rules of Professional Conduct and a signed certification as described in part 1800.0400, subpart 5.

Subp. 3. [Repealed, 21 SR 1427]

Subp. 4. **Obtaining application.** Application materials may be obtained from the board's website.

Statutory Authority: *MS s 326.06*

History: *14 SR 2988; 21 SR 1427; 22 SR 90; 25 SR 1862; 33 SR 2041; 43 SR 89; 43 SR 1301*

Published Electronically: *May 13, 2019*

1800.1200 EXAMINATION.

Subpart 1. Architect Registration Examination.

A. The National Council of Architectural Registration Boards (NCARB) shall prepare and furnish the Architect Registration Examination (ARE).

B. An applicant is required to pass all sections of the examination in order to qualify for licensure. The applicant shall attain the uniform passing grade established by the board through a psychometrically acceptable standard-setting procedure.

Subp. 2. [Repealed, 14 SR 2988]

Subp. 3. [Repealed, 14 SR 2988]

Subp. 4. [Repealed, 14 SR 2988]

Subp. 5. **Equipment during examinations.** For the Architect Registration Examination, applicants shall only use the equipment approved by the examination delivery vendor.

Statutory Authority: *MS s 326.06*

History: *14 SR 2988; 21 SR 1427; 25 SR 1862; 33 SR 2041; 43 SR 89; 43 SR 1301*

Published Electronically: *May 13, 2019*

EXAMINATION OF LANDSCAPE ARCHITECT APPLICANTS

1800.1500 EDUCATION AND EXPERIENCE.

Subpart 1. **Examination requirement.** An applicant for licensure as a landscape architect shall pass the examination referred to in part 1800.1700. An applicant for licensure under part 1800.0800, item F, must satisfy the Minnesota licensing requirements in effect at the time of the applicant's original licensure in the other state.

Subp. 2. **Admissions to examination.** For admission to the examination, an applicant shall apply directly to the Council of Landscape Architectural Registration Boards (CLARB) and follow the procedures outlined by CLARB.

Subp. 3. **Education requirement.** An applicant for licensure as a landscape architect shall present evidence of graduation from a landscape architecture curriculum of a university or college accredited by the Landscape Architectural Accreditation Board (LAAB).

Subp. 4. **Experience requirement.** An applicant for licensure as a landscape architect shall present evidence of completion of the experience requirement in items A to C.

A. The number of years of professional experience required is based on the following table:

Degree Received	Years of Education	Years of Professional Experience
Graduation from a five-year baccalaureate curriculum in Landscape Architecture accredited by the LAAB.	5	3
Graduation from a four-year baccalaureate curriculum in Landscape Architecture accredited by the LAAB.	4	4
Graduation from a LAAB-accredited master's or doctorate curriculum in Landscape Architecture.	5 or more	3

B. Qualifying experience must be acquired after graduation and be under the direct supervision of a licensed landscape architect.

C. Qualifying experience under the direct supervision of a licensed architect or licensed professional engineer shall receive full credit up to a maximum of one year when the work is related to landscape architecture.

D. Qualifying experience gained before graduation from one of the landscape architectural curricula in item A must be credited to satisfy part of the requirements for qualifying landscape architect experience under this item according to the following conditions:

- (1) experience must be under the direct supervision of a licensed landscape architect;
- (2) experience must be gained in increments of 90 days or more; and
- (3) experience must be credited at a rate of 50 percent.

This credit must not exceed one year of qualifying landscape architect experience.

Subp. 5. [Repealed, 35 SR 2011]

Subp. 6. **Qualifying experience defined.** As used in this part, "qualifying experience" consists of varied, progressive, nonrepetitive, practical experience at landscape architectural work that develops the applicant's ability to apply the knowledge gained during academic training to make sound judgments in solving landscape architectural problems and prepares the applicant to assume responsible charge of the work involved in the practice of landscape architecture. The experience

must include elements of research, codes and standards, site and environmental analysis, landscape architectural programming, planning, economics, schematic design, design development documents, construction documents, specifications, project management, and observation of construction. Experience must be written in detail, verified by the applicant's supervisor, and submitted with the application for licensure for evaluation.

Statutory Authority: *MS s 326.06; 326.10*

History: *L 1987 c 258 s 12; L 1989 c 246 s 2; 21 SR 1427; 29 SR 754; 35 SR 2011; 38 SR 59; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.1600 [Repealed, 29 SR 754]

Published Electronically: *July 7, 2011*

1800.1700 WRITTEN EXAMINATIONS.

Subpart 1. **Landscape architect registration examination.** The Landscape Architect Registration Examination (LARE) shall be provided by the Council of Landscape Architectural Registration Boards (CLARB).

Subp. 2. **Equipment during examination.** Applicants shall only use equipment approved by CLARB during the Landscape Architect Registration Examination.

Statutory Authority: *MS s 326.06; 326.10*

History: *21 SR 1427; 29 SR 754; 35 SR 2011*

Published Electronically: *July 7, 2011*

1800.1750 PROCEDURES.

An applicant for initial licensure as a landscape architect shall submit to the board a completed application accompanied by payment of the application fee in Minnesota Statutes, section 326.105. The application must be made on a form provided by the board and must include a detailed listing of all landscape architectural experience gained as provided in part 1800.1500. The list of experience must include the name and mailing address of the applicant's supervisor for each period of employment. The board shall provide the applicant an experience verification form that must be signed and submitted to the board by each supervisor for each period of employment during which qualifying landscape architectural experience was gained. The applicant shall submit an official transcript of grades showing the degree awarded and date of graduation. The application must include one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct and a signed certification as described in part 1800.0400, subpart 5.

Statutory Authority: *MS s 326.06*

History: *43 SR 89*

Published Electronically: *August 16, 2018*

1800.1800 [Repealed, L 2001 c 23 s 1]

Published Electronically: *July 7, 2011*

1800.1900 [Repealed, L 2001 c 23 s 1]

Published Electronically: *July 7, 2011*

1800.2000 [Repealed, 21 SR 1427]

Published Electronically: *July 7, 2011*

EXAMINATION OF CERTIFIED INTERIOR DESIGNER APPLICANTS

1800.2100 EDUCATION AND EXPERIENCE.

Subpart 1. **Written examination requirement.** An applicant for certification as a certified interior designer shall pass a written examination administered by the Council for Interior Design Qualification (CIDQ) except that a written examination is not required of an applicant certified under subpart 5. An applicant for certification under part 1800.0800, item H, must satisfy the Minnesota certification requirements in effect at the time of the applicant's original certification in the other state.

Subp. 2. **Education and experience requirement.** To qualify for certification as a certified interior designer, an applicant shall present evidence that the applicant has completed the education and experience requirements in items A and B.

A. For purposes of this subpart, "equivalent education" means education that the board, after review of an applicant's transcript and other educational materials, finds to be substantially the same in terms of the curriculum composition and content of classes taken by the applicant that culminates in a minimum of a bachelor's degree in interior design accredited by the Council for Interior Design Accreditation (CIDA) or its predecessor, the Foundation for Interior Design Education Research (FIDER). The education requirement must be fulfilled by one of the following options as described:

(1) graduation from a four- or five-year professional-level interior design program resulting in a bachelor's or master's degree, which includes completion of 60 semester credits or 90 quarter credits of interior design course content from a program accredited by CIDA or its predecessor, FIDER, or equivalent education;

(2) graduation prior to June 1, 2013, from a two-year preprofessional or paraprofessional program in interior design accredited by CIDA or its predecessor, FIDER, or equivalent education; or

(3) graduation prior to June 1, 2013, from a three-year professional level program in interior design accredited by CIDA or its predecessor, FIDER, or equivalent education.

B. Experience must be under the direct supervision of a certified interior designer, NCIDQ certificate holder, licensed architect, or, for experience gained prior to June 1, 2013, an interior designer.

(1) If the applicant meets the educational requirements of item A, subitem (1), the experience required is completion of the Interior Design Experience Program (IDEP), as provided by CIDQ or its successor, or a minimum of two years of qualifying interior design experience.

(2) If the applicant meets the educational requirements of item A, subitem (2), the experience required is completion of a minimum of four years of qualifying interior design experience.

(3) If the applicant meets the educational requirements of item A, subitem (3), the experience required is completion of a minimum of three years of qualifying interior design experience.

C. Experience must be diversified in the practice of interior design for public spaces and include all ten of the following knowledge areas, documented as required by the board:

- (1) space planning;
- (2) building code research and analysis;
- (3) programming;
- (4) schematic design and design development;
- (5) preparation of construction documents;
- (6) cost estimating;
- (7) specification of building materials and finishes;
- (8) specification of furnishings, fixtures, and equipment;
- (9) bidding/negotiating procedures; and
- (10) construction administration.

Subp. 3. [Repealed, 35 SR 2011]

Subp. 4. [Repealed, 35 SR 2011]

Subp. 5. **Applicants licensed as architects.** A person licensed as an architect in Minnesota who seeks certification as an interior designer shall submit an application to the board together with the required fee and shall be certified with no further requirements.

Statutory Authority: *MS s 197.4552; 214.12; 326.06*

History: *18 SR 2174; 21 SR 1427; 35 SR 2011; 38 SR 59; 40 SR 431; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.2200 PROCEDURES.

Subpart 1. **Written examinations.** The written examination shall be the examination as provided by the Council for Interior Designer Qualification (CIDQ).

Subp. 2. **Admission to examination.** The applicant shall apply for examination directly to the Council for Interior Designer Qualification (CIDQ) and follow the procedures outlined by the CIDQ.

Subp. 3. **Application for certification.** An applicant shall submit to the board a completed application, including verification of completed education, examination, and experience requirements and the appropriate application fee. The application must be submitted on a form provided by the board. If the applicant was not required to complete IDEP, the applicant shall include a detailed listing of all interior design related experience gained as provided in part 1800.2100. The list of experience must include the name and mailing address of the applicant's supervising interior designer or other supervisors for each period of employment. The board shall provide the applicant with an experience reference form which must be signed and submitted to the board by each supervisor for each period of employment during which the qualifying interior design experience was gained. The applicant shall submit an official transcript of grades showing the degree awarded and date of graduation for all undergraduate and graduate degree programs. The application must include one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct and a signed certification as described in part 1800.0400, subpart 5.

Statutory Authority: *MS s 197.4552; 214.12; 326.06*

History: *18 SR 2174; 21 SR 1427; 22 SR 90; 35 SR 2011; 40 SR 431; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.2300 [Repealed, 21 SR 1427]

Published Electronically: *July 7, 2011*

EXAMINATION OF ENGINEER APPLICANTS

1800.2500 EDUCATION AND EXPERIENCE.

Subpart 1. **Written examination requirement.** An applicant for licensure as a professional engineer shall pass written examinations as provided in part 1800.2700. An applicant for licensure under part 1800.0800, item F, shall satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state. The written Fundamentals of Engineering (FE) examination shall be waived by the board if the applicant meets the requirements in part 1800.2800.

Subp. 2. **Admission to written Fundamentals of Engineering (FE) examination.** To qualify for admission to the written FE examination, the applicant shall present evidence of one of the following:

- A. completion of one of the educational requirements in subpart 2a, item A;
- B. being within 48 quarter or 32 semester credits of obtaining an EAC-ABET accredited bachelor's degree;
- C. completion of a minimum of 36 quarter or 24 semester credits in a graduate program in engineering where the bachelor's degree is EAC-ABET accredited; or

D. completion of a minimum of 36 quarter or 24 semester credits toward an EAC-ABET accredited graduate degree.

Subp. 2a. **Education and experience requirements.** To qualify for certification as an engineer-in-training, an applicant shall present evidence of meeting the educational requirements in item A. To qualify for admission to the written PE examination or licensure as a professional engineer, an applicant shall present evidence of meeting the educational and qualifying experience requirements in items A and B.

A. Education:

- (1) graduation from an EAC-ABET accredited bachelor's engineering curriculum;
- (2) graduation from a bachelor's engineering curriculum that receives EAC-ABET accreditation within five years of the applicant's graduation;
- (3) has a non-EAC-ABET accredited or nonengineering bachelor's degree with the minimum number of engineering science and design credits as required in an EAC-ABET accredited degree (48 semester or 72 quarter credits);
- (4) has a graduate degree from an engineering program where the bachelor's degree in that discipline of engineering is EAC-ABET accredited, even though the applicant's bachelor's degree was earned in a non-EAC-ABET accredited or nonengineering program;
- (5) graduation from a bachelor's engineering curriculum that has EAC-ABET accreditation and a graduate degree in engineering from an institution with an EAC-ABET accredited bachelor's curriculum in that discipline of engineering;
- (6) graduation from an EAC-ABET accredited graduate engineering curriculum even though the applicant's bachelor's degree was earned in a non-EAC-ABET accredited or nonengineering program;
- (7) graduation from an EAC-ABET accredited bachelor's engineering curriculum and graduation from an EAC-ABET accredited graduate engineering curriculum;
- (8) has a non-EAC-ABET accredited or nonengineering bachelor's degree with the minimum number of engineering science and design credits as required in an EAC-ABET accredited degree (48 semester or 72 quarter credits) and a graduate degree from an engineering program where the bachelor's degree in that discipline of engineering is EAC-ABET accredited; or
- (9) has a non-EAC-ABET accredited or nonengineering bachelor's degree with the minimum number of engineering science and design credits as required in an EAC-ABET accredited degree (48 semester or 72 quarter credits) and a graduate degree from an EAC-ABET accredited graduate engineering curriculum.

B. Qualifying experience:

- (1) completion of a minimum of four years of qualifying engineering experience, if the applicant meets the educational requirements of item A, subitem (1), (2), (4), (6), (8), or (9);

(2) completion of a minimum of six years of qualifying engineering experience, if the applicant meets the educational requirements of item A, subitem (3); or

(3) completion of a minimum of three years of qualifying engineering experience if the applicant meets the educational requirements of item A, subitem (5) or (7).

C. Qualifying engineering experience gained before completion of one of the education requirements in item A must meet the following conditions:

(1) experience must be credited at a rate of 50 percent;

(2) experience gained before completion of at least two full years of one of the engineering curricula in item A, subitem (1), (2), (3), (5), or (7), must receive no credit; and

(3) experience gained before completion of at least one full year of the graduate engineering curricula in item A, subitem (4), (6), (8), or (9), must receive no credit.

D. Credit awarded under item C must not exceed the lesser of two years or 50 percent of the required number of years of qualifying engineering experience in this subpart.

Subp. 3. [Repealed, 21 SR 1427]

Statutory Authority: *MS s 326.06*

History: *14 SR 2988; 21 SR 1427; 38 SR 59; 43 SR 89; 43 SR 1301*

Published Electronically: *May 13, 2019*

1800.2600 ORAL INTERVIEW.

An applicant shall appear before the board for oral interview and shall submit two exhibits of engineering work the applicant has performed if the applicant qualifies for waiver of the fundamentals of engineering examination as provided in part 1800.2800.

The applicant shall furnish a letter to the board from the applicant's employer verifying the degree of involvement and responsibility displayed by the applicant in the conduct of the project exhibited.

Statutory Authority: *MS s 326.06*

History: *14 SR 2988; 21 SR 1427; 36 SR 1103*

Published Electronically: *March 21, 2012*

1800.2700 WRITTEN EXAMINATION.

Subpart 1. **Two-part examination.** The written examination shall be prepared and furnished by the National Council of Examiners for Engineering and Surveying (NCEES) and shall consist of two parts described in subparts 1a and 2.

Subp. 1a. **Fundamentals of Engineering (FE) examination.** Part I is the FE examination. The passing of this examination and providing proof of the degree awarded and date of graduation gives the applicant the status of engineer-in-training as defined in Minnesota Statutes, section

326.10, subdivision 7. A final official transcript showing the degree awarded and date of graduation shall be submitted to the board before the Engineer-in-Training number is released to the applicant. The applicant shall take and pass the FE examination before being permitted to take the professional examination unless exempted under part 1800.2800.

Subp. 2. **Principles and Practice of Engineering (PE) examination.** Part II is the PE examination. The applicant may take the PE examination upon meeting the requirements of part 1800.2500, subpart 2a, and after taking and passing the FE examination, unless the FE examination is waived under part 1800.2800. The PE examination, covering the principles and practice of engineering in the field of major practice, is required consistent with the examinations prepared and furnished by NCEES. A person failing the PE examination and electing to take the examination again shall take the entire examination.

Subp. 3. **Scope of examinations.** The scope of the Fundamentals of Engineering (FE) examination and the Principles and Practice of Engineering (PE) examination is as follows:

A. The FE examination consists of multiple-choice questions in mathematics, basic sciences, and engineering sciences as presented in accredited academic engineering curricula.

B. The PE examination consists of problems embracing knowledge of professional practice and applied economics as acquired in connection with the planning, design, and construction of engineering work during the required period of qualifying engineering experience.

Subp. 4. [Repealed, 21 SR 1427]

Subp. 5. **Equipment during examination.** The board shall advise the applicant at the time of approval for admission to the PE examination what equipment and materials will be permitted for use during the examination.

Statutory Authority: *MS s 326.06*

History: *14 SR 2988; 21 SR 1427; 38 SR 59; 43 SR 1301*

Published Electronically: *May 13, 2019*

1800.2800 ENGINEERS QUALIFIED BY GRADUATION, LONG EXPERIENCE, AND EXAMINATION.

The Fundamentals of Engineering (FE) examination must be waived in those cases where the applicant furnishes evidence of:

A. being at least 40 years of age, having a verified professional engineering record of 20 years or more of qualifying engineering experience and meeting one of the educational requirements of part 1800.2500, subpart 2a;

B. holding membership in a British Institute of Engineering as a chartered engineer by examination or other national certification by examination as approved by the board; or

C. having a doctorate degree in engineering from an educational institution whose baccalaureate curriculum is accredited by EAC-ABET or whose education is equivalent thereto.

An applicant qualifying under item A, B, or C shall pass the Principles and Practice of Engineering (PE) examination. To qualify for waiver of the FE examination under item A, the applicant's engineering experience shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work performed. Experience gained before reaching the age of 20 years shall not be credited as a part of the required engineering experience.

Statutory Authority: *MS s 326.06*

History: *14 SR 2988; 21 SR 1427; 38 SR 59*

Published Electronically: *July 22, 2013*

1800.2805 QUALIFYING EXPERIENCE DEFINED.

Subpart 1. Qualifying experience; generally.

A. As used in this part and parts 1800.2500 and 1800.2800, qualifying experience consists of varied, progressive, nonrepetitive, practical experience at engineering work that develops the applicant's ability to apply the knowledge gained during academic training to make sound judgments in solving engineering problems and prepares the applicant to assume responsible charge of the work involved in the practice of engineering.

B. The applicant must demonstrate that qualifying experience meets the following requirements:

(1) experience must include elements of design, planning, specifications, codes and standards, research and analysis, engineering economics, safety, and observation of construction projects or products;

(2) experience must be progressive by a demonstration that it was of increasing quality and required greater responsibility; and

(3) experience must include demonstration of knowledge of engineering mathematics, physical and applied science, properties of materials, the fundamental principles of engineering design, and the application of engineering principles in the practical solution of engineering problems.

C. Experience must be written in detail, verified by the applicant's supervisor, and submitted with the application for evaluation and approval by the board.

D. Experience must not be obtained in violation of Minnesota Statutes, chapter 326.

E. Experience must have been completed at the time of application.

Subp. 2. Qualifying experience; specific.

A. Experience gained in the armed services must be equivalent to that which would have been gained in the civilian sector doing similar work.

B. For sales experience, the applicant must demonstrate that engineering principles were required and used in gaining experience.

C. Teaching experience must be in engineering or engineering-related courses at an intermediate or advanced level in an EAC-ABET accredited degree program. Intermediate or advanced level coursework includes courses taken beyond the introductory level.

D. Experience gained in engineering research and design projects by members of an engineering faculty in an EAC-ABET accredited degree program is creditable.

E. Experience in construction must demonstrate the application of engineering principles.

Statutory Authority: *MS s 326.06*

History: *14 SR 2988; 38 SR 59; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.2900 PROCEDURES.

Subpart 1. **Admission to Fundamentals of Engineering (FE) examination.** For admission to the FE examination, an applicant shall apply directly to the National Council of Examiners for Engineering and Surveying (NCEES) and follow the procedures outlined by NCEES.

Subp. 1a. **Request for certification as an engineer-in-training.** An applicant shall submit an application for certification as an engineer-in-training following passage of the FE examination and completion of the education requirement under part 1800.2500, subpart 2a, item A. Payment of the application fee in Minnesota Statutes, section 326.105, must accompany the application. An official transcript of grades showing the degree awarded and date of graduation for all undergraduate and graduate degree programs and verification of passing the FE examination must be submitted before the applicant may be certified as an engineer-in-training.

Subp. 2. **Request for admission to Principles and Practice (PE) examination.** An applicant shall submit an application for admission to the PE examination under part 1800.2700, subpart 2, accompanied by payment of the application fee in Minnesota Statutes, section 326.105. The application must be made on a form provided by the board and must include a detailed listing of engineering experience gained. The experience listing must include the name and mailing address of the applicant's supervisor for each period of employment. The board shall provide the applicant an experience reference form that must be signed and submitted to the board by each supervisor for each period of employment during which qualifying engineering experience was gained. An official transcript of grades showing the degree awarded and date of graduation for all undergraduate and graduate degree programs must accompany the completed form, unless previously submitted. The application must include one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct and a signed certification as described in part 1800.0400, subpart 5.

Subp. 3. [Repealed, 21 SR 1427]

Subp. 4. **Obtaining application material.** Application materials may be obtained from the board's website.

Subp. 5. **PE examination administration and application deadline.** An applicant may not sit for the PE examination until an application has been submitted, the board has determined that the applicant has met the qualifications to take the examination, and the applicant has been notified of the applicant's eligibility.

The PE examination shall be administered at a time and place determined by the examination delivery vendor to those applicants determined by the board to meet the requirements for admission to the examination.

The deadline for application for an examination that is administered on a specific date and time shall be 75 days prior to the date set for the examination. Applications and supporting documentation must be postmarked on or before the deadline to be considered on time.

For an examination that is administered on multiple dates and times within an examination window, an application may be submitted at any time.

The board, if necessary, shall forward notification of the applicant's eligibility to the examination delivery vendor. Following the board's determination that an applicant is eligible to sit for an examination, the applicant shall independently contact the examination delivery vendor to schedule the time and place for the examination at an approved test site.

The board or examination delivery vendor shall report to the applicant the results of each examination. In order to pass the examination, the applicant shall attain the uniform passing grade established by the board through a psychometrically acceptable standard-setting procedure.

Subp. 6. **Examination windows.** The examination windows and the frequency in which an applicant may take the examination are determined by the applicable national testing agency.

Subp. 7. **Validity of application.**

A. An applicant may take one examination for each application approved by the board.

B. An applicant approved by the board for an examination administered on a specific date who fails to register, cancels, or fails to appear for the examination must submit a new application in order to take the examination on another date.

C. An applicant approved by the board for an examination administered continuously throughout the year, who does not take the examination within three years of the date of the application, must submit a new application in order to take the examination.

D. If an applicant fails an examination, the applicant must submit a new application in order to take the examination on another date.

Statutory Authority: *MS s 326.06*

History: *14 SR 2988; 21 SR 1427; 22 SR 90; 33 SR 2041; 38 SR 59; 43 SR 89; 43 SR 1301*

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1800.3000 [Repealed, 14 SR 2988]

Published Electronically: *July 7, 2011*

1800.3500 [Repealed, 27 SR 584]

Published Electronically: *July 7, 2011*

EXAMINATION OF LAND SURVEYOR APPLICANTS

1800.3505 EDUCATION AND EXPERIENCE.

Subpart 1. **Examination requirements.** An applicant for licensure as a land surveyor is required to pass written examinations as provided in this part and parts 1800.3600 to 1800.3750. An applicant for licensure under part 1800.0800, item G, shall satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state.

Subp. 2. **Admission to the Fundamentals of Surveying (FS) examination.** To qualify for admission to the FS examination, applicants shall present satisfactory evidence of one of the following:

A. graduation from a four-year land surveying curriculum that meets the statutory requirements in place at the time of graduation or being within 32 semester credits or 48 quarter credits of obtaining a land surveying degree from a four-year land surveying curriculum that is approved by the board as specified in subpart 4; or

B. graduation from a bachelor's curriculum that meets the statutory requirements in place at the time of graduation, or being within 32 semester credits or 48 quarter credits of obtaining a bachelor's degree under a curriculum that is approved by the board with a minimum of 22 semester credits or 32 quarter credits in land surveying as specified in subpart 4.

Subp. 3. **Admission to Principles and Practice of Surveying (PS) examination.** To qualify for admission to the PS examination, the applicant shall present evidence of meeting the educational and qualifying experience requirements in item A or B.

A. Graduates of a four-year land surveying curriculum must present evidence of:

- (1) graduation from a four-year land surveying curriculum;
- (2) passage of the Fundamentals of Surveying (FS) examination; and
- (3) completion of a minimum of the following qualifying land surveying experience:
 - (a) a minimum of 160 hours of office experience in plat computations;
 - (b) a minimum of 160 hours of field experience in each of four or more of the following: section subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions, and common interest communities totaling 3,120 hours or more;
 - (c) a minimum of 160 hours of office experience in each of four or more of the following: record research, record analysis, survey computations, description analysis, description writing, and subdivision design totaling 1,920 hours or more;

(d) a minimum of 400 hours of field or office experience in one or a combination of the following: right-of-way surveys; easement surveys; mining surveys; route location surveys, including power, pipelines, etc.; and street grade design and alignment; and

(e) a minimum of 400 hours of drafting experience in one or a combination of the following: boundary survey, topographic survey, and plats.

B. Graduates of a bachelor's curriculum must present evidence of:

(1) graduation from a bachelor's curriculum with a minimum of 22 semester credits or 32 quarter credits in land surveying as specified in subpart 4;

(2) passage of the Fundamentals of Surveying (FS) examination; and

(3) completion of a minimum of the following qualifying land surveying experience:

(a) a minimum of 160 hours of office experience in plat computations;

(b) a minimum of 160 hours of field experience in each of four or more of the following: section subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions, and common interest communities totaling 4,990 hours or more;

(c) a minimum of 160 hours of office experience in each of four or more of the following: record research, record analysis, survey computations, description analysis, description writing, and subdivision design totaling 3,170 hours or more;

(d) a minimum of 800 hours of field or office experience in one or a combination of the following: right-of-way surveys; easement surveys; mining surveys; route locations surveys, including power, pipelines, etc.; and street grade design and alignment; and

(e) a minimum of 800 hours of drafting experience in one or a combination of the following: boundary survey, topographic survey, and plats.

Qualifying land surveying experience must be obtained under the direct supervision of a licensed land surveyor. As used in items A and B, qualifying work experience consists of varied, progressive, practical experience at land surveying work. The experience must be acquired in the areas of land surveying practice listed in items A and B.

C. Qualifying land surveying experience gained before completion of one of the education requirements in item A or B must meet the following conditions:

(1) experience must be obtained under the direct supervision of a licensed land surveyor;

(2) experience must be credited at a rate of 50 percent; and

(3) experience gained before completion of at least two full years of one of the land surveying curricula specified in items A and B must receive no credit.

D. Credit awarded under item C must not exceed half the minimum experience required in each of the experience categories in items A and B.

Subp. 4. **Approved land surveying credits.** Curriculum approved by the board must include a minimum of 22 semester or 32 quarter credits in land surveying divided among at least six of the following land surveying categories:

- A. cartography/Geographic Information Systems (GIS);
- B. geodesy/geodetic surveys;
- C. riparian boundaries or riparian rights;
- D. boundary law;
- E. route surveying or construction surveying;
- F. drafting/CAD;
- G. Cadastral surveying or Public Land Survey System and section subdivision;
- H. photogrammetry or remote sensing;
- I. boundary surveying;
- J. topographic surveying; and
- K. subdivision plats.

Statutory Authority: *MS s 197.4552; 326.06*

History: *27 SR 584; 33 SR 429; 38 SR 59; 40 SR 431; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.3600 REQUIREMENTS FOR ADMISSION TO EXAMINATION.

Subpart 1. **Authority to order examination.** The board may subject an applicant to such examinations as may be deemed necessary to establish the qualifications of the applicant. Examinations shall be held at such times and places as the board may direct.

Subp. 2. **Fundamentals of Surveying (FS) examination.** The FS examination may be taken upon meeting the requirements of part 1800.3505, subpart 2. An applicant taking the FS examination must be notified of the applicant's score in writing. An applicant failing this examination and electing to take the examination again shall take the entire examination. The passage of this examination and providing proof of the degree awarded and date of graduation gives the applicant the status of land surveyor-in-training as defined in Minnesota Statutes, section 326.10, subdivision 7. A final official transcript showing the degree awarded and date of graduation shall be submitted to the board before the Land Surveyor-in-Training number is released to the applicant. The applicant shall take and pass the FS examination before being permitted to take the professional examination.

Subp. 3. **Professional practice examinations.** The applicant may take the Principles and Practice of Surveying (PS) examination and the Minnesota Land Surveying Examination (MNLS) upon successful completion of the Fundamentals of Surveying (FS) examination and meeting the education and experience requirements in part 1800.3505, subpart 3. An applicant failing either

the PS or the MNLS examination and electing to take the examination again shall take the entire failed examination.

Statutory Authority: *MS s 326.06*

History: *27 SR 584; 36 SR 1103; 38 SR 59*

Published Electronically: *July 22, 2013*

1800.3700 EXAMINATIONS.

Subpart 1. **Fundamentals of Surveying (FS) examination.** The FS examination consists of multiple-choice questions in mathematics, physical and applied sciences, and basic land surveying principles as presented in academic land surveying curricula.

Subp. 2. **Professional practice examinations.** The examination for professional practice consists of the Principles and Practice of Surveying (PS) examination and the Minnesota Land Surveying (MNLS) examination. Successful completion of both the PS and the MNLS examinations qualifies the applicant for licensure as a land surveyor in Minnesota upon payment of the license fee.

Subp. 3. **Reference materials.** The board shall advise the applicant, at the time of approval for admission to an examination, what equipment and materials will be permitted for use during the examination.

Statutory Authority: *MS s 326.06*

History: *27 SR 584; 38 SR 59*

Published Electronically: *July 22, 2013*

1800.3750 PROCEDURES.

Subpart 1. **Request for admission to Fundamentals of Surveying (FS) examination.** An applicant shall submit an application for admission to the FS examination under part 1800.3600, subpart 2, accompanied by payment of the application fee in Minnesota Statutes, section 326.105. For applicants who have not yet graduated, an unofficial transcript of grades from all institutions attended showing the applicant's name, the name of the college or university, and the number of credits completed must accompany the application. An official transcript of grades showing the degree awarded and date of graduation for all undergraduate and graduate degree programs must be submitted before the applicant may be certified as a Land Surveyor-in-Training (LSIT). For applicants who have graduated, an official transcript of grades showing the degree awarded and date of graduation must accompany the application.

Subp. 2. **Request for admission to Principles and Practice of Surveying (PS) examination.** An applicant shall submit an application for admission to the PS examination under part 1800.3600, subpart 3, accompanied by payment of the application fee in Minnesota Statutes, section 326.105. The application must be made on a form provided by the board and must include a detailed listing of surveying experience gained. The experience listing must include the name and mailing address of the applicant's supervisor for each period of employment. The board shall provide

the applicant with an experience reference form that must be signed and submitted to the board by each supervisor for each period of employment during which qualifying surveying experience was gained. An official transcript of grades showing the degree awarded and date of graduation for all undergraduate and graduate degree programs must accompany the completed form, unless previously submitted. The application must include one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct and a signed certification as described in part 1800.0400, subpart 5.

Subp. 3. Request for admission to the Minnesota Land Surveying (MNLS) examination. Upon approval of an application for licensure as a land surveyor by comity under part 1800.0800, item G, or an application for examination under subpart 2, the applicant will be notified by the board in writing of the examination registration procedures and applicable fees for the MNLS examination. Applicants failing the MNLS examination shall submit a new application under subpart 2 accompanied by the application fee to retake the examination.

Subp. 4. Examination administration and application deadline. An applicant may not sit for an examination until an application has been submitted, the board has determined that the applicant has met the qualifications to take the examination, and the applicant has been notified of the applicant's eligibility.

The FS, PS, and MNLS examinations shall be administered at least twice annually at a time and place determined by the board or examination delivery vendor to those applicants determined by the board to meet the requirements for admission to the examination.

The deadline for application for an examination that is administered on a specific date and time shall be 75 days prior to the date set for the examination. Applications must be postmarked on or before the deadline to be considered on time.

For an examination that is administered on multiple dates and times within an examination window, an application may be submitted at any time.

The board, if necessary, shall forward notification of the applicant's eligibility to the examination delivery vendor. Following the board's determination that an applicant is eligible to sit for an examination, the applicant shall independently contact the examination delivery vendor to schedule the time and place for the examination at an approved test site.

The board or examination delivery vendor shall report to the applicant the results of each examination. In order to pass the examination, the applicant shall attain the uniform passing grade established by the board through a psychometrically acceptable standard-setting procedure.

Subp. 5. Examination windows. The examination windows and frequency in which an applicant may take the examination are determined by the applicable national testing agency.

Subp. 6. Validity of application.

A. An applicant may take the FS examination one time for each application approved by the board under subpart 1.

B. An applicant may take each of the PS and MNLS examinations one time for each application approved by the board under subpart 2.

C. An applicant may take the MNLS examination one time for each application approved by the board under subpart 3.

D. An applicant approved by the board for an examination administered on a specific date who cancels or fails to appear for the examination must submit a new application in order to take the examination on another date.

E. An applicant approved by the board for an examination administered continuously throughout the year, who does not take the examination within three years of the date of the application, must submit a new application in order to take the examination.

F. If an applicant fails an examination, the applicant must submit a new application in order to take the examination on another date.

Statutory Authority: *MS s 326.06*

History: *38 SR 59; 43 SR 89*

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1800.3800 [Repealed, 40 SR 431]

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1800.3850 [Repealed, 40 SR 431]

Published Electronically: *October 22, 2015*

EXAMINATION OF GEOSCIENTIST APPLICANTS

1800.3900 GEOSCIENCE DISCIPLINES.

Geoscience, as defined in Minnesota Statutes, section 326.02, subdivision 3a, includes a number of disciplines. The geoscience disciplines currently recognized by the board are geology and soil science.

Statutory Authority: *MS s 326.06*

History: *22 SR 90*

Published Electronically: *July 7, 2011*

1800.3905 [Repealed, 38 SR 59]

Published Electronically: *July 22, 2013*

1800.3910 EDUCATION AND EXPERIENCE.

Subpart 1. **Written examination requirement.** An applicant for licensure within a geoscience discipline shall pass written examinations as provided in part 1800.3920.

An applicant for licensure under part 1800.0800, item I, whose original licensure in the other state was granted after August 4, 1997, shall satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state. An applicant for licensure under part 1800.0800, item I, whose original licensure in the other state was granted before August 4, 1997, shall satisfy the Minnesota licensing requirements that were in effect on August 4, 1997.

The written Fundamentals of Geology (FG) examination or Fundamentals of Soil Science (FSS) examination must be waived by the board if:

A. the applicant has a doctorate degree in the geoscience discipline in which the applicant is seeking licensure or equivalent doctorate degree as approved by the board; and

B. the applicant meets the educational requirements in subpart 5.

Subp. 2. **Admission to written fundamentals examination.** To qualify for admission to the written fundamentals examination for a geoscience discipline, the applicant shall present evidence of the following:

A. graduation or being within 30 semester or 45 quarter credits of graduation from a geoscience curriculum approved by the board for the geoscience discipline the applicant is seeking licensure in, as specified in subpart 5;

B. graduation with a bachelor's degree from a non-board-approved curriculum with a minimum number of equivalent geoscience credits as specified in subpart 5; or

C. graduation with a master's or doctorate degree in a non-board-approved curriculum with a minimum number of equivalent geoscience credits as specified in subpart 5.

Subp. 3. **Admission to written professional examination.** To qualify for admission to the written professional examination for a geoscience discipline, the applicant shall present evidence of meeting the educational and qualifying experience requirements in items A and B.

A. Education:

(1) graduation from a geoscience curriculum approved by the board in the geoscience discipline in which the applicant is seeking licensure with the minimum number of geoscience credits as specified in subpart 5;

(2) graduation with a bachelor's degree from a non-board-approved curriculum with a minimum number of equivalent geoscience credits as specified in subpart 5; or

(3) graduation with a master's or doctorate degree in a non-board-approved curriculum with a minimum number of equivalent geoscience credits as specified in subpart 5.

B. Qualifying experience:

(1) completion of a minimum of five years of qualifying geoscience experience in the discipline in which the applicant is seeking licensure if the applicant has graduated with a baccalaureate degree from a geoscience curriculum meeting the requirements of item A, subitem (1);

(2) completion of a minimum of four years of qualifying geoscience experience in the discipline in which the applicant is seeking licensure if the applicant has graduated with a master's degree or higher from geoscience curriculum meeting the requirements of item A, subitem (1);

(3) completion of a minimum of six years of qualifying geoscience experience in the discipline in which the applicant is seeking licensure if the applicant meets the educational requirements of item A, subitem (2); or

(4) completion of a minimum of five years of qualifying geoscience experience in the discipline in which the applicant is seeking licensure if the applicant meets the educational requirements of item A, subitem (3).

C. Qualifying geoscience experience gained before completion of one of the education requirements in item A must meet the following conditions:

(1) experience must be credited at a rate of 50 percent; and

(2) experience gained before completion of at least two full years of one of the geoscience curricula specified in item A must receive no credit.

D. Credit awarded under item C must not exceed two years of the required number of years of qualifying geoscience experience in this subpart.

Subp. 4. [Repealed, 38 SR 59]

Subp. 5. **Approved geoscience education.** A curriculum approved by the board must meet the following criteria.

A. For an applicant seeking licensure as a professional geologist, the applicant shall present evidence of:

(1) a baccalaureate or higher degree with a major in geology from an accredited institution of higher learning; and

(2) a minimum of 30 semester or 45 quarter credits in geology with a minimum of 24 semester or 36 quarter credits divided among at least three of the following geology areas:

(a) physical geology;

(b) historical geology;

(c) stratigraphy;

(d) sedimentology or sedimentary petrology;

(e) mineralogy;

(f) igneous and/or metamorphic petrology;

(g) structural geology;

(h) hydrogeology;

- (i) geochemistry;
- (j) geophysics;
- (k) glacial/quaternary geology;
- (l) geomorphology; and
- (m) field geology or geologic field methods.

B. For applicants seeking licensure as a professional soil scientist, the applicant shall present evidence of meeting the criteria in subitems (1), (2), and (3).

(1) A baccalaureate or higher degree from an accredited institution of higher learning;

(2) A minimum of 16 semester or 24 quarter credits in soil science. Soil science courses include a minimum of two semester or three quarter credits in each of the following four soil science areas:

(a) soil physical properties, soil biophysical environment, or soil water relations including:

- i. soil physics;
- ii. environmental biophysics;
- iii. microclimatology;
- iv. applied climatology;
- v. soil mechanics; or
- vi. soil irrigation or soil drainage;

(b) soil chemical properties or soil chemical processes including:

- i. soil chemistry and mineralogy;
- ii. soil clay mineralogy;
- iii. soil fertility;
- iv. plant nutrients in the environment;
- v. micronutrients in agriculture; or
- vi. sodic and saline soils;

(c) soil biological properties, soil biochemical process, environmental ecology, or soil microbial ecology including:

- i. soil microbiology;
- ii. soil biology;

- iii. soil microbial ecology;
- iv. soil fertility; or
- v. environmental biophysics;
- (d) soil genesis, soil classification, pedology, or soil morphology including:
 - i. soil geography;
 - ii. soil classification, genesis, or morphology;
 - iii. wetland soils; or
 - iv. field study of soils;

(3) A minimum of 14 semester or 21 quarter credits in closely related geoscience courses including any of the following categories:

- (a) geology;
 - i. groundwater geology;
 - ii. introduction to geology or introduction to physical geology; or
 - iii. any geology course listed in item A, subitem (2);
- (b) hydrology and water quality;
- (c) water and wastewater microbiology;
- (d) soil and hazardous waste processing I or II;
- (e) Geographic Information Systems (GIS) in natural resource systems;
- (f) aerial photo interpretation;
- (g) remote sensing;
- (h) natural resource inventory;
- (i) introduction to land use planning;
- (j) land use and state government;
- (k) agronomy;
- (l) agricultural engineering;
- (m) engineering or forestry courses related to soil management;
- (n) plant physiology; or
- (o) ecology courses.

C. A maximum of three semester or five quarter credits of masters or doctorate degree thesis credits can be applied to the total number of credits.

D. The same course must not be used to meet the requirement for more than one area.

Subp. 6. **Qualifying experience defined.** Qualifying experience for geology licensure must be obtained under the direct supervision of a licensed geologist. Qualifying experience for soil science licensure must be obtained under the direct supervision of a licensed geologist, licensed soil scientist, or licensed professional engineer who has qualified education and experience in the soil science discipline.

A. As used in this part, "qualifying experience" consists of varied, progressive, nonrepetitive, practical experience in the discipline of geoscience in which the applicant is seeking licensure that develops the applicant's ability to apply the knowledge gained during academic training to make sound judgments in completing geoscientific work and prepares the applicant to assume responsible charge of the work involved in the practice of the geoscience discipline in which the applicant is seeking licensure.

B. The experience must include elements of research and analysis, planning, specifications, codes and standards, economics, safety, observation of ongoing work, and inspection of the project.

C. Experience must be written in detail, verified by the applicant's supervisor, and submitted with the application for evaluation and approval by the board.

D. Qualifying experience must be acquired after graduation from a baccalaureate or higher degree curriculum that meets the requirements in subpart 5, except that continuous experience in periods of ten or more weeks gained before graduation shall be counted if gained as specified in subpart 3, item C.

Subp. 7. [Repealed, 38 SR 59]

Statutory Authority: *MS s 326.06*

History: *22 SR 90; 38 SR 59; 43 SR 89*

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1800.3915 [Repealed, 38 SR 59]

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1800.3920 WRITTEN EXAMINATION.

Subpart 1. **Two-part examination.** The written examination consists of the two parts as described in subparts 2 and 3. The written examinations for geologists shall be the examinations as provided by the National Association of State Boards of Geologists (ASBOG) as described in subpart 4, item A. The written examinations for soil scientists shall be the examinations provided by the Council of Soil Science Examiners (CSSE) as described in subpart 4, item B.

Subp. 2. **Fundamentals examination.** An applicant shall be admitted to the fundamentals examination for a geoscience discipline, if, by the date of the examination, the applicant has

completed the education requirements in part 1800.3910, subpart 2. The applicant shall submit an official transcript from the college or university the applicant is attending or has attended. An applicant taking the fundamentals examination in a geoscience discipline shall be notified of the score in writing. An applicant failing this examination and electing to take the examination again shall take the entire examination. A description of the scope of the fundamentals examinations for each geoscience discipline is provided in subpart 4.

A final official transcript showing the degree awarded and date of graduation shall be submitted to the board before the in-training number is released to the applicant. The passing of this examination and providing proof of the degree awarded and date of graduation gives the applicant the in-training status as defined in Minnesota Statutes, section 326.10, subdivision 7, paragraph (3). The applicant shall take and pass the fundamentals examination in the geoscience discipline for which the applicant is seeking licensure before being permitted to take the professional examination.

Subp. 3. Professional examination. An applicant shall be admitted to the professional examination in the geoscience discipline in which the applicant is seeking licensure, if, by the date of the examination, the applicant has received confirmation of passing the fundamentals examination in the geoscience discipline in which the applicant is seeking licensure and meets the education and experience requirements in part 1800.3910, subpart 3. The applicant shall submit verification of completion of the experience requirements in part 1800.3910, subpart 3, to the board before the applicant is qualified for admission to the professional examination. The professional examination covering the principles and practice of geoscience in the geoscience discipline in which the applicant is seeking licensure is required as described in subpart 4. A person failing the professional examination and electing to take the examination again shall take the entire professional examination. A description of the scope of the professional examination for each geoscience discipline is provided in subpart 4.

Subp. 4. Scope and description of examinations.

A. The scope and description of the geology examinations are as described in subitems (1) and (2).

(1) The Fundamentals of Geology (FG) examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, subpart 2, for admission to the examination.

The FG examination consists of multiple-choice questions which emphasize knowledge and skills that are typically acquired in an academic setting and lead to a baccalaureate degree in geology.

(2) The Practice of Geology (PG) examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, subpart 3, for admission to the examination.

The PG examination covers the principles and practice of geology. The examination shall include questions embracing the knowledge of professional practice and applied geology as acquired in connection with research, planning, and completion of geological work during the required period of geological experience. The PG examination is given to determine the degree of proficiency of

the applicant in professional practice. This examination shall include questions designed to test whether the applicant has learned to apply the knowledge and understanding of the basic and geoscientific sciences gained through education, training, and experience to the solutions of geological problems.

B. The scope and description of the soil science examinations are as described in subitems (1) and (2).

(1) The Fundamentals of Soil Science (FSS) examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, subpart 2, for admission to the examination.

The FSS examination consists of multiple-choice questions which emphasize knowledge and skills that are typically acquired in an academic setting and lead to a baccalaureate degree in soil science.

(2) The Professional Practices in Soil Science (PSS) examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, subpart 3, for admission to the examination.

The PSS examination covers the principles and practice of soil science. The examination shall include questions embracing the knowledge of professional practice and applied soil science as acquired in connection with research, planning, and completion of soil science work during the required period of soil science experience. The PSS examination is given to determine the degree of proficiency of the applicant in professional practice. This examination shall include questions designed to test whether the applicant has learned to apply the knowledge and understanding of the basic and geoscientific sciences gained through education, training, and experience to the solutions of soil science problems.

Subp. 5. **Equipment during examination.** The board shall advise the applicant at the time of approval for admission to the examination what equipment and materials will be permitted for use during the examination.

Statutory Authority: *MS s 326.06*

History: *22 SR 90; 38 SR 59*

Published Electronically: *July 22, 2013*

1800.3930 PROCEDURES.

Subpart 1. **Request for admission to the fundamentals examination.** An applicant shall submit an application for admission to the fundamentals examination in the geoscience discipline in which the applicant is seeking licensure as described in part 1800.3920, subpart 2. The application must be postmarked not later than 60 days prior to the date set for the fundamentals examination and accompanied by payment of the fee in Minnesota Statutes, section 326.105. For applicants who have not yet graduated, an unofficial transcript of grades from all institutions attended showing the applicant's name, the name of the college or university, and the number of credits completed must accompany the application. An official transcript of grades showing the degree awarded and date

of graduation for all undergraduate and graduate degree programs must be submitted before the applicant may be certified as a geologist-in-training or soil scientist-in-training. For applicants who have graduated, an official transcript of grades showing the degree awarded and date of graduation must accompany the application.

Subp. 2. Request for admission to professional examination. An applicant shall submit an application for admission to the professional geoscience examination in the geoscience discipline in which the applicant is seeking licensure as explained in part 1800.3920, subpart 3. The application must be postmarked not later than 60 days prior to the date set for the professional examination and accompanied by payment of the fee in Minnesota Statutes, section 326.105. The application must be made on a form provided by the board and must include a detailed listing of geoscience experience gained. The experience listing must include the name and current mailing address of the applicant's direct supervisor for each period of employment. The board shall provide the applicant an experience reference form that must be signed and submitted to the board by each supervisor for each period of employment during which qualifying geoscience experience was gained. An official transcript of grades showing the degree awarded and date of graduation for all undergraduate and graduate degree programs must be submitted directly to the board by the educational institution, unless previously submitted. The application must include one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct and a signed certification as described in part 1800.0400, subpart 5.

Subp. 3. Validity of application.

A. An applicant may take one examination for each application approved by the board.

B. An applicant who fails the examination, cancels, or fails to appear for the examination must submit a new application with the appropriate fee in order to take the examination on another date.

Statutory Authority: *MS s 326.06*

History: 22 SR 90; 38 SR 59; 43 SR 89

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CERTIFICATES

1800.4000 CERTIFICATES OF RECORD.

The board shall issue to each applicant who successfully completes the fundamentals of engineering examination, fundamentals of land surveying examination, fundamentals of geology examination, or fundamentals of soil science examination, a certificate indicating that the applicant's name has been recorded as engineer-in-training, land surveyor-in-training, geologist-in-training, or soil scientist-in-training, in the office of the board. The certificates of record as engineer-in-training, land surveyor-in-training, geologist-in-training, or soil scientist-in-training are permanent, subject only to discipline for cause in the manner provided by law or rule.

Statutory Authority: *MS s 326.06*

History: 21 SR 1427; 22 SR 90

Published Electronically: July 7, 2011

1800.4100 CERTIFICATE OF LICENSURE OR CERTIFICATION.

Subpart 1. **Licensure as professional engineer.** The board shall issue to each applicant who has successfully completed the education, examination, and experience requirements in part 1800.2500 a certificate of licensure giving the licensee authority to practice engineering as defined by Minnesota Statutes, section 326.02, subdivision 3. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 2. **Licensure as land surveyor.** The board shall issue to each applicant who has successfully completed the education, examination, and experience requirements in part 1800.3505 a certificate of licensure giving the licensee authority to practice land surveying as defined by Minnesota Statutes, section 326.02, subdivision 4. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 3. **Licensure as architect.** The board shall issue to each applicant who has successfully completed the education, examination, and experience requirements in part 1800.1000 a certificate of licensure giving the licensee authority to practice architecture as defined by Minnesota Statutes, section 326.02, subdivision 2. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 4. **Licensure as landscape architect.** The board shall issue to each applicant who has successfully completed the education, examination, and experience requirements in part 1800.1500 a certificate of licensure giving the licensee authority to practice landscape architecture as defined by Minnesota Statutes, section 326.02, subdivision 4a. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 5. **Licensure as professional geologist.** The board shall issue to each applicant who has successfully completed the education, examination, and experience requirements in part 1800.3910 for geologists a certificate of licensure giving the licensee authority to practice geology as defined by Minnesota Statutes, section 326.02, subdivision 3a. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is

issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states or by submission of records, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 6. **Licensure as professional soil scientist.** The board shall issue to each applicant who has successfully completed the education, examination, and experience requirements in part 1800.3910 for soil scientists a certificate of licensure giving the licensee authority to practice soil science as defined by Minnesota Statutes, section 326.02, subdivision 3a. This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states or by submission of records, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 7. **Certification as interior designer.** The board shall issue to each applicant who has successfully completed the education, examination, and experience requirements of part 1800.2100 a certificate authorizing the certificate holder to use the title "Certified Interior Designer." This certificate shall be in effect for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued, after which the certificate shall expire unless renewed. A person whose certificate expires shall not use the title "Certified Interior Designer" until a certificate is reissued. Applicants who are certified by comity under part 1800.0800 shall be issued certificates as provided in this part.

Statutory Authority: *MS s 214.12; 326.06*

History: *18 SR 2174; 21 SR 1427; 22 SR 90; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.4200 CERTIFICATION AND SIGNATURE.

Subpart 1. **Requirement; generally.** The certification and signature on plans, drawings, specifications, plats, reports, and other documents that require a signature is mandatory, as provided by Minnesota Statutes, section 326.12, subdivision 3. The certification and signature may be electronic, as defined by Minnesota Statutes, section 325L.02, paragraph (h); facsimile; or digital. A person in direct supervision of work as referred to in the foregoing subdivision is construed to mean the person whose professional skill and judgment are embodied in the document signed, and who assumes responsibility for the accuracy and adequacy thereof.

Subp. 1a. Licensee or certificate holder duties.

A. A licensee or certificate holder shall sign and certify documents and surveys that safeguard the health, safety, and welfare of the public.

B. The licensee shall sign and certify only work within the licensee's or certificate holder's area of licensure or certification. Two or more licensees or certificate holders may affix their certification and signature if each licensee or certificate holder designates the specific subject matter for which that licensee or certificate holder is responsible.

C. A licensee or certificate holder shall not affix a signature or certification to any plans or documents dealing with subject matter in which the licensee or certificate holder lacks competence.

D. A licensee or certificate holder shall not affix a signature or certification to any plan or document not prepared under the licensee's or certificate holder's responsible charge.

E. A licensee or certificate holder may accept assignments for coordinating an entire project, provided that each design discipline signs and certifies as the licensee or certificate holder responsible for preparing their design.

Subp. 2. [Repealed, 43 SR 89]

Subp. 3. **Certification.** The certification by each of the professions responsible for the preparation of bound specifications, plats, reports, or other documents must be shown on the title sheet, first sheets, or certification page. The certification by each of the professions responsible for the preparation of plans or drawings must be shown on each sheet of the set of plans or drawings.

A. The board licenses applicants as an architect, a professional engineer, a land surveyor, a landscape architect, a professional geologist, or a professional soil scientist.

B. The official roster designates the branch of engineering in which the licensed engineer was examined. An applicant for licensure as a professional engineer is examined in the branch of engineering that the applicant selects and in which the applicant is deemed qualified by the board.

C. A professional engineer may engage in practice in any branch of engineering in which the professional engineer is competent and qualified by education, examination, or experience. A professional engineer who certifies and signs plans, specifications, reports, or other documents may be required to establish, to the satisfaction of the board, that the work was performed according to recognized and acceptable engineering standards and practice.

Subp. 4. **Language.** The following wording shall be incorporated in the certification:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.

Signature: _____ Typed or Printed Name: _____

Date _____ Lic. No. _____

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

Signature: _____ Typed or Printed Name: _____

Date _____ Lic. No. _____

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: _____ Typed or Printed Name: _____

Date _____ Lic. No. _____

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Certified Interior Designer under the laws of the state of Minnesota.

Signature: _____ Typed or Printed Name: _____

Date _____ Cert. No. _____

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the state of Minnesota.

Signature: _____ Typed or Printed Name: _____

Date _____ Lic. No. _____

I hereby certify that this plan, document, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Geologist under the laws of the state of Minnesota.

Signature: _____ Typed or Printed Name: _____

Date _____ Lic. No. _____

I hereby certify that this plan, document, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Soil Scientist under the laws of the state of Minnesota.

Signature: _____ Typed or Printed Name: _____

Date: _____ Lic. No. _____

Subp. 4a. Documents requiring signature and certification. The following documents must be signed and certified:

- A. the certification page of each report;
- B. legal descriptions prepared by a land surveyor; and
- C. other documents that require a signature according to Minnesota Statutes, section 326.12, subdivision 3.

Subp. 5. Permanence of document certification. When a document has been certified with the signature of the design professional as specified in subparts 1 to 4, that signature becomes a permanent part of that document and must not be removed at a later date for any reason.

Statutory Authority: *MS s 214.12; 326.06*

History: *17 SR 1279; 18 SR 2174; 22 SR 90; 38 SR 59; 43 SR 89*

Published Electronically: *August 16, 2018*

1800.4300 SEAL.

Each person may, upon licensure or certification, also obtain a seal bearing the licensee's or certificate holder's name and the legend, licensed architect, licensed professional engineer, licensed land surveyor, licensed landscape architect, licensed professional geologist, licensed professional soil scientist, or certified interior designer. Plans, specifications, plats, reports, and other documents prepared by a licensee or certificate holder may be stamped with the seal during the life of a licensee's license or certificate holder's certificate if it remains unrevoked, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certification required under part 1800.4200.

Statutory Authority: *MS s 326.06*

History: *22 SR 90; 38 SR 59*

Published Electronically: *July 22, 2013*

1800.4500 INVESTIGATOR.

To assist it in the performance of its statutory duties, the board may hire an investigator to make inquiries, ascertain facts, and obtain statements.

Statutory Authority: *MS s 326.06*

Published Electronically: *July 7, 2011*

1800.4600 PROFESSIONAL FIRMS.

Professional firms and foreign professional firms are required to file periodic reports with the board in accordance with Minnesota Statutes, chapter 319B.

Statutory Authority: *MS s 326.06*

History: *38 SR 59*

Published Electronically: *July 22, 2013*

EXEMPT CLASSES OF BUILDINGS**1800.5000 PURPOSE.**

The purpose of parts 1800.5100 to 1800.5600 is to indicate circumstances where the services of a licensed architect or engineer are not required pursuant to Minnesota Statutes, sections 326.02 to 326.15.

Statutory Authority: *MS s 326.06*

Published Electronically: *July 7, 2011*

1800.5100 DEFINITIONS.

Subpart 1. **Minnesota State Building Code (MSBC).** Terms used in parts 1800.5100 to 1800.5900 are as defined in the Minnesota State Building Code, chapter 1305, unless otherwise

specified in this chapter. The abbreviation MSBC as used in this chapter means the Minnesota State Building Code.

Subp. 2. **Occupancy.** Occupancy shall be specified by the owner and classified by the building official in the manner provided in the MSBC.

Statutory Authority: *MS s 326.06*

History: *21 SR 1427*

Published Electronically: *July 7, 2011*

1800.5200 GENERAL REQUIREMENT AND EXCEPTIONS.

Subpart 1. **Requirement.** Plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work shall be prepared and certified by an architect or engineer licensed and practicing pursuant to Minnesota Statutes, sections 326.02 to 326.15, except as set forth in subparts 2 to 4.

Subp. 2. **Statutory exception.** Building components or classes of buildings enumerated in Minnesota Statutes, sections 326.02, subdivision 5, and 326.03, subdivision 2, clauses (1) to (4).

Subp. 3. **Remodeling or renovation exception.**

A. Any remodeling or renovation to part or all of an existing building, structure, or work which does not:

(1) change the load on its mechanical or electrical systems or change the live or dead load on its structural systems, in either case, in such a manner that a violation of the MSBC might occur;

(2) change the building's access or exit pattern in such a manner that a violation of the MSBC might occur; or

(3) change the MSBC occupancy classification of the building.

B. Any remodeling or renovation, of any kind, in a building in the MSBC occupancy classes and consistent with the size, dwelling unit, and number of stories and basement thresholds specified in part 1800.5900.

Subp. 4. **Classes of buildings exceptions.** Any new construction of or new addition to a building in the specified MSBC occupancy classes and consistent with the size, dwelling unit, and number of stories and basement thresholds specified in part 1800.5900, provided that an exemption under this subpart shall not apply:

A. For a second new building to be constructed by the same person on the same parcel or a contiguous parcel to a new building previously exempted hereunder or for a second addition to the same building where a prior addition was exempt hereunder, in either case, within 24 calendar months after the date of building permit issuance. "Same person" means the same owner or same general contractor, or ownership or general contractor entity having one or more participants in common with the owner or general contractor of the first building. The person seeking a building

permit shall certify that the same person has not utilized this exemption within the prior 24 month period. "Parcel" means a nonsubdivided tract of land.

B. For an addition to an existing building where the existing building exceeds the exemption size thresholds under this subpart if the addition results in either of the effects set forth in part 1800.5200, subpart 3, item A, subitem (1) or (2), regardless of the size of the new addition proposed.

C. For new construction within a larger building (e.g., individual shops within a shopping center) where the larger building exceeds the exemption size thresholds under this subpart if the new construction results in either of the effects set forth in part 1800.5200, subpart 3, item A, subitem (1) or (2), regardless of the size of the new construction proposed.

Statutory Authority: *MS s 197.4552; 326.06*

History: *21 SR 1427; 40 SR 431*

Published Electronically: *October 22, 2015*

1800.5300 PLANS SUPPLIED TO BUILDING OFFICIALS.

The exceptions in part 1800.5200, subparts 3 and 4 shall be available only if the building permit applicant supplies the responsible building official with two sets of plans and specifications for the building or remodeling. The name and address of the preparer of the plans and specifications shall appear thereon. The plan preparer shall certify that reasonable care has been given to compliance with applicable laws, ordinances, and building codes relating to design.

Statutory Authority: *MS s 326.06*

Published Electronically: *July 7, 2011*

1800.5400 NONAPPLICABILITY OF EXEMPTIONS.

Notwithstanding the exceptions in part 1800.5200, subpart 4, the responsible building official may require plans and specifications to be designed and prepared by a licensed architect or engineer if the official finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular use.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279*

Published Electronically: *July 7, 2011*

1800.5500 NONEXCLUSIVITY OF RULES.

Nothing in parts 1800.5000 to 1800.5900 shall preclude or supersede any provisions of other applicable laws or rules.

Statutory Authority: *MS s 326.06*

History: *21 SR 1427*

Published Electronically: *July 7, 2011*

1800.5600 SEVERABILITY.

If any provision of parts 1800.5000 to 1800.5600 is held invalid, such invalidity shall not affect other provisions of parts 1800.5000 to 1800.5600 which can be given effect without the invalid provision, and to this end the provisions of parts 1800.5000 to 1800.5600 shall be deemed severable.

Statutory Authority: *MS s 326.06*

History: *14 SR 1427*

Published Electronically: *July 7, 2011*

1800.5700 [Repealed, 21 SR 1427]

Published Electronically: *July 7, 2011*

1800.5800 [Repealed, 32 SR 367]

Published Electronically: *July 7, 2011*

1800.5900 CLASSES OF BUILDINGS.

In accordance with Minnesota Statutes, sections 326.02, subdivision 5, and 326.03, subdivision 2, the following classes of buildings are exempt subject to the limitations of the elements listed below:

Classifications	Elements that must be met to be exempt*
Assembly (as defined by the MSBC under occupancy group A2: Dining and drinking less than 50 persons)	Not greater than one story with no basement; and Seating for not more than 20 persons; and Not greater than 1,000 gross square footage (GSF)
Business (as defined by the MSBC under occupancy group B)	Not greater than two story with a basement; and Not greater than 2,250 GSF
Factory (as defined by the MSBC under occupancy group F2)	Not greater than one story with no basement; and Not greater than 3,000 GSF
Mercantile (as defined by the MSBC under occupancy group M)	Not greater than two story with a basement; and Not greater than 1,500 GSF
Residential (as defined by the MSBC under occupancy group R)	Apartment houses/condominiums (three units or less), dwellings, lodging houses, attached single-family dwellings/townhomes, and congregate residences (each accommodating ten persons or less)
Storage (as defined by the MSBC under occupancy group S1: Aircraft hangars and helistops)	Not greater than one story with no basement; and Not greater than 3,000 GSF

Storage (as defined by the MSBC under occupancy group S2 except for parking garages, open or enclosed)	Not greater than one story with no basement; and Not greater than 5,000 GSF
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Utility (as defined by the MSBC under occupancy group U except for fences higher than 8', tanks and towers, and retaining walls with over 4' of vertical exposed face)	Not greater than one story with no basement; and Not greater than 1,000 GSF
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*All terms used in this table are defined in the Minnesota State Building Code (MSBC).

Statutory Authority: *MS s 326.06*

History: *32 SR 367*

Published Electronically: *July 7, 2011*

CHAPTER 326

EMPLOYMENTS LICENSED BY STATE

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326.01 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326.02 LICENSURE OR CERTIFICATION.

Subdivision 1. **Licensure or certification mandatory.** In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing, or offering to practice, architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or using the title certified interior designer in this state, either as an individual, a copartner, or as agent of another, shall be licensed or certified as hereinafter provided. It shall be unlawful for any person to practice, or to offer to practice, in this state, architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or to use the title certified interior designer, or to solicit or to contract to furnish work within the terms of sections 326.02 to 326.15, or to use in connection with the person's name, or to otherwise assume, use or advertise any title or description tending to convey the impression that the person is an architect, professional engineer (hereinafter called engineer), land surveyor, landscape architect, professional geoscientist (hereinafter called geoscientist), or certified interior designer, unless such person is qualified by licensure or certification under sections 326.02 to 326.15. This subdivision does not preclude an individual who retired from one of the professions listed in this subdivision from using the designation architect, professional engineer, land surveyor, landscape architect, professional geoscientist,

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

Subd. 2. Practice of architecture. Any person shall be deemed to be practicing architecture, within the meaning of sections 326.02 to 326.15, who holds out as being able to perform or who does perform any professional service, such as planning, design, or supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any private or public buildings, structures or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences, acquired by education or training, and by experience. For the purposes of this subdivision "supervision" is a professional service as distinguished from superintending of construction and means the performance or the supervision thereof, of reasonable and ordinary on the site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

Subd. 3. Practice of professional engineering. (a) Any person shall be deemed to be practicing professional engineering within the meaning of sections 326.02 to 326.15 who holds out as being able to perform or who does perform any technical professional service, such as planning, design or observation of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private structures, buildings, utilities, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the principles of mathematics and the physical and applied engineering sciences, acquired by education or training, and by experience.

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

(1) use the term "professional engineer";

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

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

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

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

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

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

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

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

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

- (1) determining, monumenting, establishing, or reestablishing property boundaries;
- (2) determining, monumenting, or reestablishing the position for any public land survey system corner or line;
- (3) planning, designing, and platting of land and subdivisions including the topography, alignment and grades of streets; and
- (4) preparing and perpetuating maps, record plats, and property descriptions.

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

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

Subd. 4a. **Practice of landscape architecture.** Any person shall be deemed to be practicing landscape architecture, within the meaning of sections 326.02 to 326.15, who holds out as being able to perform or who does perform any professional service in connection with the development of land areas where the dominant purpose of the service is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight and hazards. This practice shall include the location and arrangement of tangible objects and features incidental and necessary to the purposes outlined but shall not include the design of structures or facilities with separate and self-contained purposes as ordinarily included in the practice of engineering or architecture or the preparation of boundary surveys or final land plats, as ordinarily included in the practice of land surveying.

Nothing contained in sections 326.02 to 326.15 concerning landscape architects shall be construed:

- (1) to apply to a professional engineer duly registered under the laws of this state;
- (2) to apply to an architect registered under the laws of this state;
- (3) to apply to a land surveyor registered under the laws of this state;
- (4) to prevent a registered architect or professional engineer from doing landscape planning and designing;
- (5) to exclude nursery operators or other small business people from the preparation of landscape plans appropriate to the normal operation of their business;
- (6) to authorize a landscape architect to engage in the practice of architecture, engineering, land surveying, or geoscience.

No person shall use the designation landscape architect or any title or device indicating or representing that the person is a landscape architect or is practicing landscape architecture unless the person is registered under the provisions of sections 326.02 to 326.15.

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

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

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

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

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

Subd. 5. **Limitation.** The provisions of sections 326.02 to 326.15 shall not apply to the preparation of plans and specifications for the erection, enlargement, or alteration of any building or other structure by any person, for that person's exclusive occupancy or use, unless such occupancy or use involves the public health or safety or the health or safety of the employees of said person, or of the buildings listed in section 326.03, subdivision 2, nor to any detailed or shop plans required to be furnished by a contractor to a registered engineer, landscape architect, architect, or certified interior designer, nor to any standardized manufactured product, nor to any construction superintendent supervising the execution of work designed by an architect, landscape architect, engineer, or certified interior designer licensed or certified in accordance with section 326.03, nor to the planning for and supervision of the construction and installation of work by an electrical or elevator contractor or master plumber as defined in and licensed pursuant to chapter 326B, where such work is within the scope of such licensed activity and not within the practice of professional engineering, or architecture, or where the person does not claim to be a certified interior designer as defined in subdivision 2, 3, or 4b.

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

326.03 LICENSE OR CERTIFICATE REQUIRED.

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

Subd. 2. **Exceptions.** Nothing contained in sections 326.02 to 326.15 shall prevent persons from advertising and performing services such as consultation, investigation, or evaluation in connection with, or from making plans and specifications for, or from supervising, the erection, enlargement, or alteration of any of the following buildings:

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

(2) two family dwellings;

(3) any farm building or accessory thereto; or

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

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

Subd. 4. **Exception for persons elected in office.** The provisions hereof shall not apply to any person holding an elective office when in discharging the duties thereof such person is required to do work or

perform service of the character of work or service usually done or performed by an architect, engineer, land surveyor, landscape architect, or geoscientist.

Subd. 5. **Insurance companies; rating bureaus.** The provisions of sections 326.02 to 326.15 shall not apply to inspection and service work done by employees of insurance companies, their agents, or insurance rating bureaus.

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

326.031 SPECIFICATIONS FOR PUBLIC FACILITIES, USE OF BRAND NAMES.

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

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

326.04 BOARD ESTABLISHED.

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

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

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

326.05 QUALIFICATIONS OF BOARD MEMBERS.

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

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

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

326.06 GENERAL POWERS AND DUTIES OF BOARD.

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

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

326.07 BOARD, MEETINGS, OFFICERS, QUORUM.

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

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

326.08 [Repealed, 1998 c 324 s 10]

326.09 RECORDS OF BOARD.

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

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

326.10 LICENSURE AND CERTIFICATION.

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

(1) To any person over 25 years of age, who is of good moral character and repute, and who has the experience and educational qualifications which the board by rule may prescribe.

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

Subd. 2. **Examination.** The board, or a committee of the board, may subject any applicant for licensure or certification to such examinations as may be deemed necessary to establish qualifications.

In determining the qualifications of applicants, at least one member determining the qualifications must be licensed or certified in the same profession as that being evaluated.

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

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

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

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

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

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

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

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

certificate stating that the applicant's name has been recorded as a geoscientist-in-training with the appropriate geoscientist-in-training legend as approved by the board.

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

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

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

Subd. 10. Temporary military license. The board shall establish a temporary license in accordance with section 197.4552 for the practice of architecture, professional engineering, geosciences, land surveying, landscape architecture, and interior design. The fee for the temporary license under this subdivision for the practice of architecture, professional engineering, geosciences, land surveying, landscape architecture, or interior design is \$132.

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

326.105 FEES.

The fee for licensure or renewal of licensure as an architect, professional engineer, land surveyor, landscape architect, or geoscience professional is \$120 per biennium. The fee for certification as a certified interior designer or for renewal of the certificate is \$120 per biennium. The fee for an architect applying for original certification as a certified interior designer is \$50 per biennium. The initial license or certification fee for all professions is \$120. The renewal fee shall be paid biennially on or before June 30 of each

even-numbered year. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year. The application fee is \$25 for in-training applicants and \$75 for professional license applicants.

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

326.106 DEFINITIONS.

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

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

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

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

History: 1999 c 213 s 2

326.107 CONTINUING EDUCATION.

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

(b) Licensed professional engineers must earn a minimum of 24 professional development hours, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted. The ethics hours must have been earned during the biennium to which they are applied and shall not be used toward carryover.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 8. **Noncompliance.** If the board rejects professional development hours reported by a licensee or certificate holder in an amount sufficient to reduce the number of nonrejected professional development hours below the required minimum number, the licensee or certificate holder must be notified of the board's rejection of the hours. The licensee or certificate holder has 180 days after notification to substantiate the validity of the rejected hours or to earn other qualifying hours to meet the minimum requirement. The board's rejection of any professional development hours submitted during this 180-day cure period does not extend or expand the cure period. If the board does not reinstate a sufficient number of the rejected professional development hours to meet the required minimum number of professional development hours, or the licensee or certificate holder does not complete or substantiate that the individual has completed other qualifying professional development hours to meet the required minimum number of professional development hours within the specified period of time, the individual's licensure or certification shall be suspended. Professional development hours earned within the 180-day cure period and applied to current renewal may not be applied to the requirements for the following biennial renewal.

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

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

326.11 LICENSE AND CERTIFICATE REGULATION.

Subdivision 1. **Revocation or suspension.** The board shall have the power to revoke or suspend the license or certificate of any architect, engineer, land surveyor, landscape architect, geoscientist, or certified interior designer, who is found guilty by the board of any fraud or deceit in obtaining a license or certificate, or of attaching the licensee's or certificate holder's seal or signature to any plan, specification, report, plat, or other architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design document not prepared by the person signing or sealing it or under that person's direct supervision, or of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or interior design, or upon conviction of any violation of sections 326.02 to 326.15 or amendments thereof, or of any crime involving moral turpitude or upon adjudication of insanity or incompetency.

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

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

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

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

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

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

326.111 UNAUTHORIZED PRACTICE; DISCIPLINARY ACTION.

Subdivision 1. **Generally.** (a) If the board, or the complaint committee if authorized by the board, has a reasonable basis to believe that a person has engaged in an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or a violation of a statute, rule, or order that the board has issued or is empowered to enforce, the board, or the complaint committee if authorized by the board, may proceed as described in subdivisions 2 and 3.

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

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

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

(b) For purposes of injunctive relief under this subdivision, irreparable harm exists when the board shows that a person has engaged in an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or a violation of a statute, rule, or order that the board has issued or is empowered to enforce.

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

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

(b) Service of the order is effective if the order is served on the person or counsel of record personally or by certified mail to the most recent address provided to the board for the person or counsel of record.

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

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

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

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

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

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

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

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

(4) has been convicted of or has pled guilty or nolo contendere to a felony, an element of which is dishonesty or fraud, whether or not the person admits guilt, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or has engaged in conduct reflecting

adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or use of the title certified interior designer;

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

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

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

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

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

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

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

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

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

(c) Service of the order is effective if the order is served on the licensee, certificate holder, applicant, person, or counsel of record personally or by certified mail, to the most recent address provided to the board for the licensee, certificate holder, applicant, person, or counsel of record. The order shall state the reasons for the entry of the order.

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

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

(b) Service of the order is effective if the order is served on the licensee or counsel of record personally or by certified mail, to the most recent address provided to the board for the licensee or counsel of record.

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

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

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

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

(b) The board may, in addition, impose a fee to reimburse the board for all or part of the cost of the proceedings resulting in disciplinary action authorized by this section, the imposition of civil penalties, or the issuance of a cease and desist order. The fee may be imposed when the board shows that the position of the person who commits an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or violates a statute, rule, or order that the board has issued or is empowered to enforce is not substantially justified, unless special circumstances make an award unjust, notwithstanding the provisions of Minnesota Rules, part 1400.8401. The costs include, but are not limited to, the amount paid by the board for services from the office of administrative hearings, attorney fees, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and expense incurred by board members and staff.

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

History: 1993 c 358 s 1; 1994 c 465 art 1 s 39; 1995 c 206 s 20-24; 1999 c 213 s 4; 2014 c 236 s 11

326.12 LICENSE OR CERTIFICATE AS EVIDENCE; SEAL.

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

Subd. 2. Seal. Each licensee or certificate holder may, upon licensure or certification, obtain a seal bearing the licensee's or certificate holder's name and the legend "licensed architect," "licensed professional

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

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

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

326.13 PRACTICE EXEMPT.

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

(1) By any person or firm not a resident of and having no established place of business in this state, or any person or firm resident in this state, but whose arrival in the state is recent; provided, however, such person or a person connected with such firm:

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

(ii) shall have filed an application for licensure as an architect, an engineer, a geoscientist, or a certified interior designer shall have paid the fee provided for in section 326.10, and shall have been notified by the board that the applicant meets the requirements for licensure or certification in this state and is entitled to receive a license or certificate, and has applied for and been granted a temporary permit to practice. Temporary permits shall be granted to do a specific job for the period stipulated on the permit.

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

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

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

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

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

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

(4) Practice as a geoscientist by a person who would be qualified under sections 326.02 to 326.15 by virtue of experience and education while (i) engaged in exploration, development, extraction, and reclamation of minerals and mineral deposits or energy resources including sand, gravel, peat, industrial minerals, metallic minerals, iron ore, coal, oil, and gas and other mineral fuels; (ii) an employee of a corporation or agency engaged in such exploration, development, extraction, and reclamation of minerals and mineral deposits; (iii) acting in accordance with the provisions of section 82B.035, subdivision 3; 103I.205, subdivision 4; or 103I.601, subdivision 2; or (iv) engaged in academic geoscience research.

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

326.14 CORPORATIONS AND PARTNERSHIPS AUTHORIZED.

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

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

326.15 FALSE IMPERSONATION.

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

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

326.16 [Repealed, 1976 c 222 s 209]

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

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

Subd. 2. [Renumbered 326.1655, subd 7]

Subd. 3. [Renumbered 326.1655, subd 2]

Subd. 4. [Renumbered 326.1655, subd 3]

Subd. 5. [Renumbered 326.1655, subd 4]

Subd. 6. [Renumbered 326.1655, subd 5]

Subd. 7. [Renumbered 326.1655, subd 6]

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

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

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

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

326.191 [Repealed, 1998 c 340 s 21]

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

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

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

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

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

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

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

326.21 [Repealed, 1998 c 340 s 21]

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

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

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

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

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

326.225 [Repealed, 1998 c 340 s 21]

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

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

326.23 [Repealed, 1992 c 542 s 5]

326.231 [Repealed, 1992 c 542 s 5]

326.24 [Repealed, 1967 c 602 s 17]

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

326.2411 [Repealed, 2008 c 337 s 65]

326.2415 MS 2006 [Renumbered 326B.32]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326.243 MS 2006 [Renumbered 326B.35]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326.245 MS 2006 [Renumbered 326B.38]

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

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

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

326.248 MS 2006 [Renumbered 326B.399]

326.25 [Repealed, 1967 c 602 s 17]

326.26 [Repealed, 1967 c 602 s 17]

326.261 [Repealed, 1967 c 602 s 17]

326.27 [Repealed, 1967 c 602 s 17]

326.28 [Repealed, 1967 c 602 s 17]

326.29 [Repealed, 1967 c 602 s 17]

326.30 [Unnecessary]

326.31 [Repealed, 1967 c 602 s 17]

PRIVATE DETECTIVES, PROTECTIVE AGENTS

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

326.32 DEFINITIONS.

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

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

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

- (1) a weapon other than a firearm; or
- (2) an immobilizing or restraining device.

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

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

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

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

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

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

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

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

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

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

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

Subd. 10c. **Proprietary employer.** A "proprietary employer" means an individual, partnership, or corporation that is not engaged in the business of providing protective agents but employs individuals to serve as security guards solely on the employer's property and its curtilage.

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

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

Subd. 13. **Security guard.** (a) "Security guard" means a person who wears or carries any insignia that identifies the person to the public as security, who is paid a fee, wage, or salary to do one or more of the following:

- (1) prevent or detect intrusion, unauthorized entry or activity, vandalism, or trespass on private property;
- (2) prevent or detect theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;
- (3) control, regulate, or direct the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;
- (4) protect individuals from bodily harm; or
- (5) enforce policies and rules of the security guard's employer related to crime reduction to the extent that the enforcement falls within the scope of the security guard's duties.

(b) The term "security guard" does not include:

- (1) an auditor, accountant, or accounting clerk performing audits or accounting functions;
- (2) an employee of a firm licensed under section 326.3381 whose duties are primarily administrative or clerical in nature;
- (3) a person employed by a proprietary company to conduct plainclothes surveillance or investigation;
- (4) a person temporarily employed under statute or ordinance by political subdivisions to provide protective services at social functions;
- (5) an employee of an air or rail carrier;
- (6) a customer service representative or sales clerk employed in a retail establishment; or
- (7) a person employed to perform primarily maintenance or custodial functions.

Subd. 14. [Renumbered subd 1a]

History: 1974 c 310 s 1; 1975 c 271 s 6; 1984 c 649 s 5; 1986 c 444; 1987 c 360 s 1-6; 1989 c 171 s 1,2; 1990 c 485 s 1; 2001 c 168 s 1,2

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

326.33 BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES.

Subdivision 1. **Members.** There is hereby created a Board of Private Detective and Protective Agent Services, consisting of the superintendent of the Bureau of Criminal Apprehension or an assistant superintendent designated by the superintendent, and the following members appointed by the commissioner of public safety: a licensed protective agent, or qualified representative for a licensed protective agent partnership or corporation, a licensed private detective, or qualified representative for a licensed private detective partnership or corporation, and two public members. Filling of member vacancies shall be the

responsibility of the commissioner of public safety. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, unless otherwise provided in sections 326.32 to 326.339; administrative services and office space; the review and processing of complaints; the setting of board fees, unless otherwise provided in sections 326.32 to 326.339; and other provisions relating to board operations shall be as provided in chapter 214.

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

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

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

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

Subd. 6. **Compensation to board members.** Members of the Board of Private Detective and Protective Agent Services shall receive, in addition to necessary traveling and lodging expenses, a per diem payment as specified in section 214.09, subdivision 3, per day for each day actually engaged in board activities, provided, however, members of the board who are state employees will be governed by state rules regarding travel expense and per diem payments.

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

326.331 [Repealed, 1987 c 360 s 26]

326.3311 POWERS AND DUTIES.

The board has the following powers and duties:

- (1) to receive and review all applications for private detective and protective agent licenses;
- (2) to approve applications for private detective and protective agent licenses and issue, or reissue licenses as provided in sections 326.32 to 326.339;
- (3) to deny applications for private detective and protective agent licenses if the applicants do not meet the requirements of sections 326.32 to 326.339; upon denial of a license application, the board shall notify the applicant of the denial and the facts and circumstances that constitute the denial; the board shall advise the applicant of the right to a contested case hearing under chapter 14;
- (4) to enforce all laws and rules governing private detectives and protective agents; and
- (5) to suspend or revoke the license of a license holder or impose a civil penalty on a license holder for violations of any provision of sections 326.32 to 326.339 or the rules of the board.

History: 1987 c 360 s 9

326.332 [Repealed, 1987 c 360 s 26]

326.3321 EMPLOYEES.

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

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

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

326.333 [Repealed, 1987 c 360 s 26]

326.3331 RULEMAKING.

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

History: 1987 c 360 s 11

326.334 [Repealed, 1987 c 360 s 26]

326.3341 EXEMPTIONS.

Sections 326.32 to 326.339 do not apply to:

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

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

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

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

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

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

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

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

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

326.335 [Repealed, 1974 c 310 s 12]

326.336 EMPLOYEES OF LICENSE HOLDERS.

Subdivision 1. **Background check.** A license holder may employ, in connection with the business of private detective or protective agent, as many unlicensed persons as may be necessary; provided that every license holder is at all times accountable for the good conduct of every person employed. When a license holder hires a person to perform services as a private detective or protective agent, the employer shall submit to the Bureau of Criminal Apprehension a full set of fingerprints of each employee and the written consent of the employee to enable the bureau to determine whether that person has a criminal record. The employee is a conditional employee until the employer receives a report from the bureau that, based on a check of the criminal records maintained by the bureau, the prospective employee has not been convicted in Minnesota of a felony or any offense listed in section 326.3381, subdivision 3, other than a misdemeanor or gross misdemeanor assault. During the period of conditional employment, the person may not serve as a private detective or protective agent, but may be trained by the employer. The bureau shall immediately forward the fingerprints to the Federal Bureau of Investigation and request the Federal Bureau of Investigation to conduct a criminal history check of each conditional employee. The bureau shall determine if the Federal Bureau of Investigation report indicates that the employee was convicted of a disqualifying offense and shall notify the employer accordingly. The employer shall immediately dismiss an employee who has been convicted of a disqualifying offense.

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

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

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

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

326.3361 TRAINING.

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

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

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

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

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

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

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

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

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

(1) 12 hours of preassignment or on-the-job certified training within the first 21 days of employment, or evidence that the employee has successfully completed equivalent training before the start of employment;

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

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

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

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

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

History: 1990 c 485 s 2; 1993 c 168 s 1-3; 2000 c 445 art 1 s 4; 2001 c 168 s 3,4

326.337 [Repealed, 1987 c 360 s 26]

326.338 PERSONS ENGAGED AS PRIVATE DETECTIVES OR PROTECTIVE AGENTS.

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

- (1) investigating crimes or wrongs done or threatened against the government of the United States or of any state, county, or municipal subdivision thereof;
- (2) investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any person or organization;
- (3) investigating the credibility of witnesses or other persons;
- (4) investigating the location or recovery of lost or stolen property;
- (5) investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to persons or property;
- (6) investigating the affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof;
- (7) investigating the conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, or contractors and subcontractors;
- (8) obtaining through investigation evidence to be used before any authorized investigating committee, board of award, board of arbitration, administrative body, or officer or in preparation for trial of civil or criminal cases; or
- (9) investigating the identity or apprehension of persons suspected of crimes or misdemeanors.

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

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

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

- (1) providing guards, private patrol, or other security personnel to protect persons or their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or to prevent the misappropriation or concealment of goods, merchandise, money, or other valuable things, or to procure the return of those things;
- (2) physically responding to any alarm signal device, burglar alarm, television camera, still camera, or a mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, losses, or other security measures;
- (3) providing armored car services for the protection of persons or property;
- (4) controlling motor traffic on public streets, roads, and highways for the purpose of escorting a funeral procession and oversized loads; or
- (5) providing management and control of crowds for the purpose of safety and protection.

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

History: 1945 c 130 s 9; 1959 c 317 s 7; 1974 c 310 s 9; 1986 c 444; 1987 c 360 s 14,15; 1996 c 387 s 6

326.3381 LICENSES.

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

Subd. 1a. **Proprietary employers.** A proprietary employer is not required to obtain a license, but must comply with section 326.336, subdivision 1, with respect to the hiring of security guards.

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

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

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

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

Subd. 3. **Disqualification.** No person is qualified to hold a license who has:

(1) been convicted of (i) a felony by the courts of this or any other state or of the United States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; possession, production, sale, or distribution of narcotics unlawfully; or (iii) in any other country of acts which, if done in Minnesota, would be a felony or would be any of the other offenses provided in this clause and for which a full pardon or similar relief has not been granted;

(2) made any false statement in an application for a license or any document required to be submitted to the board; or

(3) failed to demonstrate to the board good character, honesty, and integrity.

Subd. 4. **Business entity applicant.** If the applicant for a license is a corporation or partnership, one member of that corporation or partnership must meet the licensing requirements in sections 326.32 to 326.339.

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

History: 1987 c 360 s 16; 1989 c 171 s 4,5

326.3382 APPLICATION FOR LICENSE.

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

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

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

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

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

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

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

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

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

(2) if the applicant is a partnership, by each partner, one of whom must be a qualified representative; or

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

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

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

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

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

(1) a licensed private detective agency;

(2) a United States government investigative service;

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

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

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

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

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

(2) a United States government investigative service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 5. **Special protective agent classification.** The board shall establish a special protective agent license classification that provides that a person described in section 326.338, subdivision 4, clause (4), who is otherwise qualified under this section need not meet the requirements of subdivision 2, paragraph (c).

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

History: 1987 c 360 s 17; 2005 c 136 art 8 s 11; 2010 c 384 s 85; 2014 c 312 art 4 s 21

326.3383 LICENSE REISSUANCE.

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

- (1) submits to the board an application for license reissuance on a form prescribed by the board;
- (2) submits to the board a list of all current employees; and
- (3) remits the expired license to the board.

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

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

History: 1987 c 360 s 18

326.3384 PROHIBITED ACTS.

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

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

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

Subd. 1a. **Labor disputes.** No license holder, in the course of providing protective agent services, may provide armed protective personnel to labor disputes or strike locations. This subdivision does not apply to the use of armed security personnel services utilized in the usual course of business for the protection of persons, property, and payroll.

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

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

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

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

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

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

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

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

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

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

(1) 60 days for the first violation;

(2) six months for the second violation; and

(3) one year for the third violation.

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

326.3385 CONDITIONS OF LICENSING.

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

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

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

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

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

History: 1987 c 360 s 20

326.3386 FEES.

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

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

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

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

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

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

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

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

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

History: 1987 c 360 s 21; 1997 c 239 art 8 s 25-27

326.3387 DISCIPLINARY ACTION.

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

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

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

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

(4) the license holder violates an order of the board.

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

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

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

History: 1987 c 360 s 22

326.3388 ADMINISTRATIVE PENALTIES.

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

History: 1987 c 360 s 23

326.3389 LICENSES NONTRANSFERABLE.

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

History: 1987 c 360 s 24

326.339 VIOLATIONS; PENALTY.

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

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

326.34 [Repealed, 1945 c 130 s 1]

326.35 [Repealed, 1945 c 130 s 1]

326.36 [Repealed, 1945 c 130 s 1]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326.371 MS 2006 [Renumbered 326B.439]

326.372 [Repealed, 2008 c 337 s 65]

326.38 MS 2006 [Renumbered 326B.44]

326.39 MS 2006 [Renumbered 326B.45]

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

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

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

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

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

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

326.401 MS 2006 [Renumbered 326B.47]

326.402 MS 2006 [Renumbered 326B.475]

326.405 MS 2006 [Renumbered 326B.48]

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

326.42 MS 2006 [Renumbered 326B.49]

326.43 [Repealed, 1993 c 206 s 25]

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

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

326.46 MS 2006 [Renumbered 326B.90]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326.471 [Repealed, 2008 c 337 s 65]

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

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

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

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

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

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

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

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

326.49 [Repealed, 1984 c 481 s 8]

326.50 MS 2006 [Renumbered 326B.922]

326.505 MS 2006 [Renumbered 326B.925]

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

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

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

MOTION PICTURE FILM EXHIBITORS

326.523 LICENSE PROVISIONS; DISTRIBUTION; CANCELLATION.

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

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

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

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

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

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

326.524 LICENSES MAY NOT CONTAIN CERTAIN RESTRICTIONS.

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

History: 1941 c 460 s 3

326.525 LICENSES, WHEN VOID.

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

History: 1941 c 460 s 4

326.526 APPLICATION OF SECTIONS 326.523 TO 326.526.

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

History: 1941 c 460 s 7

326.53 VIOLATIONS; PENALTY PROVISIONS.

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

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

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

Subd. 3. [Renumbered 326.547]

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

326.54 [Repealed, 1983 c 293 s 115]

326.541 [Repealed, 1983 c 293 s 115]

326.542 [Repealed, 1983 c 293 s 115]

326.543 [Repealed, 1983 c 293 s 115]

326.544 [Repealed, 1983 c 293 s 115]

326.545 [Repealed, 1983 c 293 s 115]

326.546 [Repealed, 1983 c 293 s 115]

326.547 [Repealed, 1983 c 293 s 115]

MEMBERS OF ARMED FORCES

326.55 NONPAYMENT OF LICENSE FEES.

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

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

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

Subd. 2. **Members of armed forces need not pay license fees.** Any person required by law to be licensed or registered in order to carry on or practice a trade, employment, occupation or profession in the state of Minnesota who is also required by law to renew the license or certificate of registration at stated intervals and to pay a fee for such renewal on or before a specified date, or be subject to revocation of the license or certificate or other penalties, who has since the enactment by the Congress of the United States of the Selective Service and Training Act of 1940 entered, or shall hereafter enter, the armed forces of the United States of America, or who has since the enactment of said act been engaged, or shall hereafter be engaged, in employment, outside of the United States, essential to the prosecution of the present war and to the national defense, whose license or certificate of registration was effective at the time of entry into the armed forces or engagement in the employment aforesaid, is hereby exempted from the payment of all renewal fees and from the filing of any application for renewal, which but for this section would have been required as a condition of the renewal of the license or certificate, during the time the person has been in such armed forces or in such employment, and from any penalties for nonpayment or late payment, and is hereby exempted from further payment of such renewal fees and from the making of any application for renewal during the period the person shall remain in such armed forces or is engaged in such employment, and for a further period of six months from discharge from the armed forces, if a member thereof, or from the date of return within the boundaries of the United States if engaged in the employment hereinbefore referred to. The license or certificate in the meantime shall remain in full force and effect, and if it has been canceled or revoked since the date of the enactment of the Selective Service and Training Act of 1940 solely on the ground of nonpayment of renewal fees, or failure to apply for a renewal, it shall be reinstated upon the application of the licensee or registrant or any one on the licensee's or registrant's behalf without the payment of any penalties or costs. Any such person may within six months from the date of release from the armed forces of the United States, if the person has been a member of such armed forces, or from the date of return within the boundaries of the United States if the person has been engaged in employment hereinbefore referred to, make application for a renewal of the license or certificate without penalty and in the same manner as if the person had made application therefor at the time or times specified by existing laws.

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

326.56 LICENSES, CERTIFICATES OF REGISTRATION; RENEWALS.

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

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

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

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

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

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

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

326.57 MS 2006 [Renumbered 326B.52]

326.58 MS 2006 [Renumbered 326B.53]

326.59 MS 2006 [Renumbered 326B.54]

326.60 MS 2006 [Renumbered 326B.55]

326.601 MS 2006 [Renumbered 326B.56]

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

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

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

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

326.62 MS 2006 [Renumbered 326B.58]

326.63 [Repealed, 1993 c 206 s 25]

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

326.65 MS 2006 [Renumbered 326B.59]

326.66 [Repealed, 1988 c 629 s 64]

ASBESTOS ABATEMENT ACT

326.70 TITLE.

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

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

326.71 DEFINITIONS.

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

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

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

Subd. 4. **Asbestos-related work.** "Asbestos-related work" means the enclosure, removal, or encapsulation of asbestos-containing material in a quantity that meets or exceeds 260 linear feet of friable asbestos-containing material on pipes, 160 square feet of friable asbestos-containing material on other facility components, or, if linear feet or square feet cannot be measured, a total of 35 cubic feet of friable asbestos-containing material on or off all facility components in one facility. In the case of single or multifamily residences, "asbestos-related work" also means the enclosure, removal, or encapsulation of greater than ten but less than 260 linear feet of friable asbestos-containing material on pipes, greater than six but less than 160 square feet of friable asbestos-containing material on other facility components, or, if linear feet or square feet cannot be measured, greater than one cubic foot but less than 35 cubic feet of friable asbestos-containing material on or off all facility components in one facility. This provision excludes asbestos-containing floor tiles and sheeting, roofing materials, siding, and all ceilings with asbestos-containing material in single family residences and buildings with no more than four dwelling units. Asbestos-related work includes asbestos abatement area preparation; enclosure, removal, or encapsulation operations; and an air quality monitoring specified in rule to assure that the abatement and adjacent areas are not contaminated with asbestos fibers during the project and after completion.

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

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

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

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

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

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

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

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

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

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

326.72 ASBESTOS LICENSE.

Subdivision 1. **When license required.** A person within the state intending to directly perform or cause to be performed through subcontracting or similar delegation any asbestos-related work either for financial gain or with respect to the person's own property shall first apply for and obtain a license from the commissioner. The license shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and give the name and address of the person to whom it is issued.

The domiciled owner of a single family residence is not required to hold a license or pay a project permit fee to conduct asbestos-related work in the domiciled residence.

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

History: 1987 c 303 s 3; 1993 c 303 s 10; 1997 c 205 s 34

326.73 ASBESTOS CERTIFICATIONS.

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

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

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

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

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

326.74 REPORTING ASBESTOS WORK.

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

- (1) a brief description of the work to be performed;
- (2) the name of the contracting entity;
- (3) the location and address of the project work site;

- (4) the approximate duration of the project;
- (5) the approximate amount of the asbestos involved in the project;
- (6) the name of any project manager; and
- (7) other information required by the commissioner.

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

326.75 FEES.

Subdivision 1. **Licensing fee.** A person required to be licensed under section 326.72 shall, before receipt of the license and before causing asbestos-related work to be performed, pay the commissioner an annual license fee of \$100.

Subd. 2. **Certification fee.** An individual required to be certified under section 326.73, subdivision 1, shall pay the commissioner a certification fee of \$50 before the issuance of the certificate. The commissioner may establish by rule fees required before the issuance of asbestos inspector, asbestos management planner, and asbestos project designer certificates required under section 326.73, subdivisions 2, 3, and 4.

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

Subd. 3a. **Asbestos-related training course permit fee.** The commissioner shall establish by rule a permit fee to be paid by a training course provider on application for a training course permit or renewal of a permit of each asbestos-related training course required for certification or registration.

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

History: 1987 c 303 s 6; 1990 c 594 art 3 s 13; 1993 c 303 s 13; 1Sp1993 c 1 art 9 s 73; 1994 c 567 s 20; 1995 c 165 s 13

326.76 DUTIES OF CONTRACTING ENTITIES.

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

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

326.77 INDOOR AIR STANDARD.

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

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

History: 1987 c 303 s 8

326.78 DUTIES OF COMMISSIONER.

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

- (1) application, enclosure, removal, and encapsulation procedures;
- (2) license and certificate qualification requirements;
- (3) examinations for obtaining a license and certificate;
- (4) training necessary for individual certification;
- (5) qualifications for managers of asbestos-related work projects;
- (6) asbestos-related work and asbestos management activity specifications;
- (7) any contractor bonding and insurance requirements deemed necessary by the commissioner;
- (8) license and certificate issuance and revocation procedures;
- (9) suspension or revocation of licenses or certificates;
- (10) license and certificate suspension and revocation criteria;
- (11) cleanup standards;
- (12) continuing education requirements; and
- (13) other rules necessary to implement sections 326.70 to 326.81.

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

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

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

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

in civil actions, with the same fees and mileage costs paid, and in the manner as prescribed by law, for process of the state district courts. Fees and mileage and other costs of persons subpoenaed by the commissioner shall be paid in the manner prescribed for proceedings in district court.

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

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

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

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

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

326.785 ASBESTOS CONTAINMENT BARRIERS.

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

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

326.79 [Repealed, 1993 c 206 s 25]

326.80 [Repealed, 1993 c 206 s 25]

326.81 DISCRIMINATION; SANCTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326.841 MS 2006 [Renumbered 327B.041]**326.842** MS 2006 [Renumbered 326B.81]

- 326.85** [Repealed, 2007 c 140 art 13 s 3]
- 326.86** MS 2006 [Renumbered 326B.815]
- 326.87** MS 2006 [Renumbered 326B.821]
- 326.875** [Repealed, 2007 c 140 art 13 s 3]
- 326.88** MS 2006 [Renumbered 326B.825]
- 326.89** Subdivision 1. MS 2006 [Renumbered 326B.83, subdivision 1]
- Subd. 2. MS 2006 [Renumbered 326B.83, subd 2]
- Subd. 3. MS 2006 [Renumbered 326B.83, subd 3]
- Subd. 3a. [Repealed, 1999 c 137 s 11]
- Subd. 4. [Repealed by amendment, 2007 c 140 art 8 s 14]
- Subd. 5. MS 2006 [Renumbered 326B.83, subd 4]
- Subd. 6. MS 2006 [Renumbered 326B.83, subd 5]
- Subd. 7. MS 2006 [Renumbered 326B.83, subd 6]
- 326.90** MS 2006 [Renumbered 326B.835]
- 326.91** Subdivision 1. MS 2006 [Renumbered 326B.84]
- Subd. 2. [Repealed, 2007 c 140 art 13 s 3]
- Subd. 3. [Repealed, 2007 c 140 art 13 s 3]
- Subd. 4. [Repealed, 2007 c 140 art 13 s 3]
- 326.92** Subdivision 1. [Repealed by amendment, 2007 c 140 art 8 s 17]
- Subd. 1a. MS 2006 [Renumbered 326B.845, subdivision 1]
- Subd. 2. MS 2006 [Renumbered 326B.845, subd 2]
- Subd. 3. [Repealed by amendment, 2007 c 140 art 8 s 17]
- 326.921** MS 2006 [Renumbered 326B.85]
- 326.93** Subdivision 1. [Repealed by amendment, 2007 c 140 art 8 s 19]
- Subd. 2. [Repealed by amendment, 2007 c 140 art 8 s 19]
- Subd. 3. MS 2006 [Renumbered 326B.855, subdivision 1]
- Subd. 4. MS 2006 [Renumbered 326B.855, subd 2]
- Subd. 5. MS 2006 [Renumbered 326B.855, subd 3]
- 326.94** MS 2006 [Renumbered 326B.86]
- 326.945** [Repealed, 2007 c 140 art 13 s 3]

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

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

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

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

326.951 MS 2006 [Renumbered 326B.875]

326.96 MS 2006 [Renumbered 326B.88]

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

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

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

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

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

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

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

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

326.991 Subdivision 1. MS 2004 [Expired]

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

326.992 MS 2006 [Renumbered 326B.197]