

CCLD REVIEW

CONSTRUCTION CODES AND LICENSING DIVISION
MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY

WINTER 2013

Adoption of 2012 ICC model codes continues

Four proposed rules posted, hearing conducted, additional proposals to follow

DLI is moving ahead with the adoption of the 2012 International Code Council (ICC) model building codes.

A public hearing for the International Residential Code (Minn. Rules Chapter 1309) was conducted Dec. 12, 2013. The results of that hearing were not available at the time of publication of the CCLD Review newsletter.

So far, the department has posted four rules:

- Chapter 1309: adoption of the International Residential Code
- Chapter 1300 and Chapter 1303: building code administration and simplified wind loads
- Chapter 1307: elevator code
- Chapter 1341: accessibility

Rulemaking notifications will follow for the International Building Code (IBC), International Fire Code (IFC), International Existing Building Code (IEBC), International Mechanical and Fuel Gas Codes (IMC/IFGC), International Energy Conservation Code (IECC) for residential and commercial and Chapter 1303, radon mitigation controls.



A hearing for the International Residential Code (Minn. Rules Chapter 1309) was conducted before the Honorable Judge Eric Lipman Dec. 12, 2013, at DLI's Minnesota room. View www.dli.mn.gov/RulemakingCCL.asp for additional rulemaking information.

Visit the CCLD rulemaking webpage to view the proposed rules and sign up to receive rulemaking notices via email at www.dli.mn.gov/RulemakingCCL.asp.

Conference

REGISTER NOW!

Feb. 6, 2014 - Bloomington

Register now for Construction Industry Conference

The State of Minnesota and its construction industry partners will host the first-ever [Minnesota Construction Industry Conference](#) Feb. 6, 2014, in Bloomington.

This one-day conference will provide educational and networking opportunities for **highway/heavy, commercial building and residential contractors**, plus informative general sessions for the entire construction industry and continuing education units for attending select workshops.

» Visit www.dli.mn.gov/construction to register.

» Download the conference app at <http://my.yapp.us/4RWA9F>.



#CIC14

Online permits remain popular

Since its launch, more than 140,000 permits have been issued through eTRAKiT system

More than 70 percent of permits issued in 2013 to electrical contractors, homeowners and high-pressure-piping businesses were applied for using DLI's eTRAKiT online permit system.

Since the launch of eTRAKiT in 2011, more than 140,000 permits have been applied for and issued instantly using this paperless, automated system. Additional benefits of applying for permits online include the ability to track permit status and inspection activity, print copies of permits and review historical permit information.

New permit options on the way

In spring 2014, an expanded version of the eTRAKiT online permit system will be launched and include building, plumbing, elevator and boiler installation permit functionality. Also, online submission of building, plumbing and elevator plans for review and approval will become available in 2014.

See Page 3 for more information about DLI's plans for electronic plan review in 2014.

Start using eTRAKiT now

Visit DLI's website for how-to videos, tip sheets and instructions detailing how contractors can use eTRAKiT to obtain electrical and HPP permits

www.dli.mn.gov/CCLD/eTRAKit.asp

Keep in touch

DLI launches monthly email newsletter

Stay up-to-date with DLI by signing up for its newest email list.

DLI will send occasional messages to subscribers to share highlights and news from throughout the agency.



Sign up at www.dli.mn.gov/email.asp

CCLD Review is a quarterly publication of the Minnesota Department of Labor and Industry.

Receive email notification when an issue is available by [subscribing online](#).

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Personal Licenses and

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Contractor registration program

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Progress made in reducing misclassification of workers

More than 12,000 contractors registered with DLI through recent program

The misclassification of employees as independent contractors has long been identified as a problem in the construction industry in Minnesota.

Misclassification adversely impacts businesses, workers and the economy by preventing workers from benefiting from the protections that are provided to them by law and creating a competitive disadvantage for contractors who comply with the laws relating to workers' compensation insurance, unemployment insurance and tax withholding.

In 2009, Minnesota took an initial step in addressing the problem of misclassification by creating the Independent Contractor Exemption Certification (ICEC) program.

In 2012 the [Construction Contractor Registration Pilot Program](#) to replace the ICEC program as a result of recommendations made by a task force convened by DLI to bring contractors and regulators together to address the misclassification issue.



The pilot program requires all construction contractors who are not already licensed or registered with DLI to register through DLI's website. Since the program's inception in July 2012, more than 12,000 contractors have registered with DLI. This is more than five times the number of ICECs that were issued by DLI.

DLI, in conjunction with the Department of Employment and Economic Development and the Minnesota Department of Revenue, reviewed the pilot program's progress in November 2013. The review

consisted of an analysis of a sample of the registrations, an analysis of enforcement actions taken and calculation of the economic impact in the construction industry.

The report of the program's review will be available online after its presentation to the legislature Jan. 1, 2014.

Some challenges to full implementation of the pilot program remain. DLI plans to make recommendations to the legislature to further improve the program and enhance the agency's ability to detect and deter worker misclassification.

Plan review

DLI will transition to electronic plan review system

DLI plans to transition from paper to computer-based plan review during the next year.

After the new system's launch, designers, such as engineers, architects and master plumbers will be able to submit project plans electronically.

Electronic review of building plans has become very popular in recent years and is being performed by many municipalities throughout the country.

How it will work

Once a designer applies to DLI for a permit, they will

receive an email inviting them to upload their building plan files electronically through a password protected, web-based system.

Agency plan review staff will then access the plans and use the software's markup tools to indicate required changes and record comments. Upon completion of staff review, the designer receives another email indicating that the plans have been reviewed and are ready for revisions. The designer then makes the necessary revisions and resubmits the plans. The electronic review and communication

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continues until the plans are approved.

The status of the plan review may be checked at any time by the designer by accessing the system. Other benefits will be cost savings from reduced mailing costs, shortened handling

time and a reduced need to store paper plans by both the designer and plan review staff. DLI will continue to accept paper plans but the long term goal is to have nearly all plans submitted for review electronically. View more plan review information at www.dli.mn.gov/CCLD/PlanReview.asp

Electrical inspections

New electrical area rep for southwestern Minn.

DLI's area representatives have broad range of duties and are the first point-of-contact for electrical questions that arise in the field

Wade Schlie has been hired as the department's new electrical area representative for District 7 in southwestern Minnesota. District 7 is comprised of 16 counties generally south and west of the Minnesota River. Schlie started Dec. 4, 2013, and is headquartered in Sleepy Eye in Brown County. For the past 10 years he has provided contract electrical inspection service in Redwood and Renville counties.

Electrical area representative Steve Dudley has been managing District 7 from the DLI office in Mankato and will be reassigned to District 2 in the south metro area. Dudley will be headquartered in Kilkenny in Le Sueur County. District 2 is comprised of portions of Dakota, Goodhue, Le Sueur, Rice, Scott and Washington counties.

District boundaries are occasionally changed and [a map is available on DLI's website and contains the most up-to-date information.](#)

Who are the area reps and what do they do?

Unlike the electrical inspectors who are under contract with DLI to provide routine electrical inspection service in designated areas, the electrical area representatives are state employees. There are 11 electrical area representative field districts across Minnesota.

The area reps have a broad range of duties that include monitoring, auditing and supporting the contract electrical inspectors; administering statutes and rules related to electrical licensing and inspections; assisting with investigations on behalf of CCLD's enforcement unit; providing electrical code and technical support to electrical installers; helping electrical installers to use the eTRAKiT online electrical permits portal; providing dispute resolution

and responding to appeals related to code interpretations and enforcement; conducting DLI seminars and providing education and outreach to clientele; organizing, monitoring and inspecting a broad range of outdoor transitory projects and events such as carnivals, county fairs, festivals, celebrations, shows, tournaments and similar engagements; and numerous other varied tasks and duties.

Customers are encouraged to first contact the electrical area representative in their area prior to contacting CCLD staff in St. Paul – the electrical area representatives are in a much better position to respond to questions related to issues and other matters that originate in the field. If the electrical area representative does not have the resources to resolve the matter or to answer the questions, they will forward the questions to CCLD staff in St. Paul

View contact information for electrical area reps and areas served at www.dli.mn.gov/CCLD/ElectricalInspect.asp.



New AFCI requirements effective Jan. 1, 2014

The 2011 National Electrical Code (NEC) expanded the provisions related to the replacement of receptacle outlets. NEC 406.4(D)(5) was revised to require that listed tamper-resistant (TR) receptacles be provided where replacements are made at receptacle outlets that are required to be tamper-resistant elsewhere in the code.

Likewise, NEC 406.4(D)(6) was revised to require that listed weather-resistant (WR) receptacles be provided where replacements are made at receptacle outlets that are required to be weather-resistant elsewhere in the code.

And more importantly, 2011 NEC 406.4(D)(4) was revised to require arc-fault circuit-interrupter (AFCI) protection for replacement receptacles effective Jan. 1, 2014. This change in the 2011 NEC was deferred until Jan. 1, 2014, to give manufacturers time to develop, test and produce outlet branch-circuit (OBC) arc-fault circuit-interrupter receptacle outlets. In effect, where a receptacle outlet is supplied by a branch circuit that requires AFCI protection as specified elsewhere in the code, a replacement receptacle at this location



Image: www.leviton.com

New arc-fault circuit-interrupter (AFCI) requirements take effect in 2014.

shall be one of the following; 1) a listed OBC AFCI receptacle; 2) A standard receptacle protected by a listed OBC AFCI receptacle; or 3) a standard receptacle protected by a listed combination type AFCI circuit breaker.

A description of the types of AFCI products is [available from Underwriters' Laboratories](#).

The 2014 NEC is scheduled to be adopted in Minnesota on July 1, 2014. NEC 406.4(D) has been further revised in the 2014 NEC to mandate that GFCI and AFCI replacement receptacles shall be installed in a readily accessible location. "Readily accessible" is defined in NEC Article

100 as capable of being reached quickly for operation, renewal, or inspections without requiring those to whom ready access is requisite to actions such as to use tools, to climb over or remove obstacles, or to resort to portable ladders and so on. In summary, the replacement GFCI and AFCI receptacles must be located where they can be conveniently operated, reset or tested on a periodic basis in accordance with the manufacturer's installation instructions.

The NEC provisions for the replacement of receptacle outlets have changed significantly in recent years. Electrical installers need to be familiar with the current and coming provisions in the NEC. The previously simple task of replacing a receptacle outlet now requires a thorough understanding of the NEC rules and options that are related to grounding-type receptacles, non-grounding-type receptacles, GFCI receptacles, AFCI receptacles, tamper-resistant receptacles and weather-resistant receptacles. The typical replacement receptacle in a dwelling will most likely often need to meet two or more of the criteria in NEC 406.4(D).

Plumbing plans

Accelerated plumbing plan review fees end Jan. 1, 2014

Minnesota's 2013 legislative session affected the plumbing plan review process at DLI.

During the session, Minn. statute 326B.49, Applications, Fees, subd. 2(10), providing for an accelerated plan review, was eliminated.

Effective Jan. 1, 2014, the agency will only accept the

standard plan review fee and all plans reviewed under the same process. As part of its strategic plan, DLI is committed to completing plumbing plan reviews in a timely manner for all submissions.

More information about plumbing plan review is available at www.dli.mn.gov/CCLD/PlanPlumbing.asp.

License renewals

Winter, spring busy time for license renewals

2013 marks the first time plumbing contractors are required to submit a business license renewal. All plumbing contractor, restricted plumbing contractor and water conditioning contractor licenses expire December 31 of odd numbered years, so 2013 is the first year for the renewal of these new license types.

Combined with the electrical contractor and elevator contractor licenses that expire Feb. 28, 2014, and the more than 7,000 residential building contractor licenses that expire March 31, 2014, CCLD's licensing staff members will be processing more than 11,000 business license renewals within a four-month span.

To ensure that licenses do not expire, contractors are encouraged to submit renewals as early as possible. By law, a contractor's license is not considered renewed until it has been reviewed and approved by CCLD staff. Because renewals are processed in the order they are received, applications that are submitted close to the renewal deadline may not get processed by the license's expiration date.

Businesses can renew licenses online by completing renewal forms and uploading them through DLI's website. License fees may be paid electronically. Only paying the renewal fee online does not renew a business license. Plumbing and electrical contractors who are required to file a bond must submit the original bond forms for their 2014-2015 bond to DLI via U.S. Mail.

CCLD is working on enhancements to its online renewal system for business and we appreciate your patience during this busy time.

Visit <https://secure.doli.state.mn.us/license/intro.aspx> to renew licenses online. Licensees with questions about their renewals can call CCLD Licensing staff at (651) 284-5034 or send an email to DLI.license@state.mn.us.

Elevator inspections

Jan. 1, 2014: Elevator permit, inspection fees change

Recent legislation has brought about changes to elevator permit and inspection fees.

One of these changes is the removal of a \$500 fee charged when elevator work was found to be started without a permit. Although the fee is removed, violators expose themselves to enforcement action against their license, which may include censure, suspension or revocation and monetary penalties up to \$10,000 for each violation.

Inspection fees for normal permit work, which now includes repair and removal inspections, are still based on the 1.5 percent multiplier (.015 multiplied by cost of the contract). However, the \$1,000 cap on the inspection fee has been removed. The inspection fee includes two inspections. If the installation is not ready for permit work inspection at the scheduled time, an additional fee of \$160 will be charged.

» View more information about elevator inspection at www.dli.mn.gov/cld/elevator.asp.

If owners or contractors request additional inspections for permit work it will be at the hourly rate of \$80 when performed during normal working hours and \$120 when performed outside of normal working hours, including weekends and holidays.

Inspection of existing elevators requested by owners or in the event of an accident resulting in personal injury will be at the hourly rate of \$80 when performed during normal working hours and \$120 when performed outside of normal working hours, including weekends and holidays.

Legislation brings changes to elevator licensing program

In its 2013 session, the legislature enacted changes to the way that contractors and workers in the elevator industry are licensed.

The main change was to move elevator licensing away from an electrical licensing program and make it a true elevator program. The online document [Requirements for Individuals Performing Elevator Work in Minnesota](#) provides a brief explanation of the limitations of each license type and the registered unlicensed elevator constructor.

The new elevator licensing program is modeled after the existing electrical licensing program, yet focuses on elevator technology rather than electrical technology. Preexisting elevator licenses will transition to the new license types, which carry similar titles.

Two new license types are personal licenses: limited master elevator constructor and limited journeyman elevator constructor. A new business license type is: limited elevator contractor.

Any individual who performs work on elevator systems or equipment must either hold a license or be registered with DLI as an unlicensed elevator constructor. The unlicensed registration requirement applies regardless of whether the worker is wiring a controller under or emptying a pit bucket and is limited to performing elevator work under these conditions:

1. within the scope of employer's authority to perform

the elevator work,

2. under supervision of an individual licensed to perform the elevator work, and
3. when the licensed and registered unlicensed individuals are employed by the same contractor or employer.

Information about the unlicensed elevator constructor registration program can be found at www.dli.mn.gov/CCLD/PDF/elev_constructor.pdf. Individuals may sign up online as a registered unlicensed elevator constructor at <https://secure.doli.state.mn.us/license/intro.aspx>.

Definitions

Elevator work is defined as “the installing, maintaining, altering, repairing, testing, planning, or laying out of elevator apparatus or equipment as covered by Minnesota Rules, chapters 1307 and 1315. Elevator work also includes the disconnection of electrical wiring on the load side of the elevator equipment disconnect and the decommissioning of elevator equipment to enable safe removal.”

Limited elevator work is defined as “the installing, maintaining, altering, repairing, testing, planning, or laying out of residential elevators, platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited use or limited application elevator equipment, conveyors, and special purpose personnel elevators as covered by Minnesota Rules, chapters 1307 and 1315. Limited elevator work also includes electrical wiring on the load side of the elevator equipment disconnect and the decommissioning of elevator equipment to enable safe removal.”

Locate inspectors quickly

Find code requirements and code inspectors online

DLI has built a one-stop “Local Code Lookup” – online at <http://workplace.doli.state.mn.us/jurisdiction> – to help contractors and homeowners find local code requirements and code inspectors in one place.

The online search tool helps users find which code authority has local jurisdiction for permits, plan review and inspection in the areas of boilers, building codes, electrical, elevators, high-pressure piping, plumbing or other Minnesota construction codes and licensing disciplines.



DLI's Local Code Lookup helps homeowners and contractors find local code requirements and inspectors in one place.

Enforcement actions

Unlicensed plumbing contractor fined \$10,000

Some recent [CCLD enforcement actions](#) include:

- In October, an unlicensed plumbing contractor from southern Minnesota was fined \$10,000 and ordered to cease and desist from performing unlicensed work.
- A former builder from Lake Elmo who agreed to the revocation of his residential building contractor license in 2007 was found to have contracted with an Oakdale resident to perform remodeling work, which he failed to complete. The contractor was ordered to cease and desist from unlicensed activity and fined \$8,000.
- In September, DLI suspended the license of a power limited technician from Owatonna who had renewed his license without taking the required continuing education. The license is suspended until the PLT takes the required continuing education classes and pays a \$2,000 civil penalty and \$100 license reinstatement fee.
- A licensed residential building contractor from Golden Valley was found to have performed non code-compliant electrical work without an electrical contractor license. The company was ordered to cease and desist from unlicensed electrical work and fined \$3,500.



Enforcement actions

View enforcement and license actions taken against licensees.

Summaries of all final CCLD enforcement actions are available at www.dli.mn.gov/CCLD/Enforcement.asp. Questions about specific enforcement actions should be directed to (651) 284-5069 or DLI.contractor@state.mn.us.

Planning to hire a contractor? Make sure they're licensed

Before hiring a contractor, visit [DLI's consumer web page](#) for steps to take before signing a contract. Some of the topics include how to select a contractor, how to solicit bids, what to include in a contract and how to file a complaint against a contractor.



View more information at www.dli.mn.gov/ccld/RBCconsumer.asp.

Verify a license

Use DLI's online tools to verify a license, certificate or registration

It's personal ... and business: DLI's improved online [License Lookup](#) tool now allows users to check the status of numerous personal and business licenses, certificates, registrations and bonds.



[License Lookup](#)

To see the full list of searchable items, visit www.dli.mn.gov/ccld/LicVerify.asp

Building plan review questions answered by CCLD staff members

The questions below are part of an ongoing series featuring frequently asked questions received by CCLD's [Building Plan Review Section](#). The responses are the opinions of the plan review staff members and do not represent an official division or State Building Official interpretation.

Q: The State Mechanical Code requires 3/4 cfm/sq. ft. of exhaust for both parking garages and automotive repair garages. In lieu of continuous ventilation, ventilation may be controlled by a carbon monoxide (CO) sensor. Can a carbon monoxide sensor be used in a repair garage as well as the parking garage?

A: No. The CO sensor activated exhaust is only permitted in the parking garage NOT the repair garage. [SBC 1346.0404 Subp. 1 and 2]

Q: When a source capture system is required in a repair garage (ex: tailpipe exhaust), is this in addition to the 3/4 cfm/sq. ft. general exhaust?

A: Yes. [SBC 1346.0404 Subp. 2 and IMC Sec. 502.14]

Q: Can a single AHU be used to serve a repair garage along with the customer waiting area?

A: A customer waiting area is considered Air Class 1, while the automotive repair area is not. The ASHRAE 62.1-2001 use to classify the automotive repair area as Air Class 2, but due to the potential for a higher level of contaminants (Air Class 3 or 4) ASHRAE 62.1-2004 now leaves that up to the AHJ. In general Class 2 air or greater shall not be recirculated or transferred to Class 1 spaces (waiting area). So a single AHU can serve both the repair garage as well as the waiting area so long as no air is recirculated or transferred between the two spaces. [ASHRAE 62.1-2004 Sec. 5.17 and 1346.0403 Subp.2]

Q: What is the required exhaust cfm for the tailpipe exhaust?

A: The State Mechanical Code is silent of the requirements, however Minnesota OSHA [MN Rule 5205.0200] dictates both the minimum cfm as well as the minimum diameter of the tailpipe exhaust duct (as well as other requirements) as follows:

Gasoline Engines	200 HP or less	100 cfm/tailpipe	3"Ø
Gasoline Engines	Over 200 HP	200 cfm/tailpipe	4"Ø
Diesel Engines	All	400 cfm/tailpipe	4-1/2"Ø