



CCLD REVIEW

CONSTRUCTION CODES AND LICENSING DIVISION

WINTER 2007

Code bill brings changes for residential building contractors and remodelers

Disclosure of criminal conviction, change order requirement some of the newest additions

The CCLD legislation passed by the State Legislature brought significant changes to the statutes and rules governing residential building contractors, remodelers, roofers and manufactured home installers. The following changes went into effect on Dec. 1, 2007:

• In addition to existing notification requirements including changes of address, business name or qualifying person, licensees are now required to notify the department, in writing, of any of the following: entry of a judgment against them based on their contracting activities; filing for bankruptcy protection; and conviction of a crime relating to contracting, including but not limited to: fraud, misrepresentation, theft, misuse or conversion of funds, criminal sexual conduct, assault, burglary or theft of proceeds.

Criminal convictions must be disclosed within ten days of the conviction. Judgments and bankruptcy filings must be reported within 15 days. Failure to comply provides a basis for enforcement action including license suspension or revocation and fines of up to \$10,000 for each violation.

• The existing rule that requires all contracts with a customer to be reduced to writing has been placed in statute and amended to state that a change to a contract scope or price must also be reduced to a written change order and must be dated and signed by both parties.

• In areas of Minnesota that have not adopted the State Building Code, the

department may take enforcement action against contractors who refuse to correct a code violation that has been documented by a certified building official.

• The minimum limit of liability insurance for all licensees increases to \$300,000. The minimum surety bond amount for residential roofers increases to \$15,000.

• The Contractor Recovery Fund fee that licensees pay each year has been increased by \$60. The increase was necessary because the limit consumers will be able to recover increased from \$75,000 to \$150,000 for each contractor.

Other changes were made to streamline the Contractor Recovery Fund process to make it simpler and less expensive for aggrieved consumers to get compensation from the fund.

• The new enforcement tools included in the 2007 legislation will apply to residential building contractors, remodelers, residential roofers, manufactured home installers, plumbers and electricians. These changes seek to achieve uniformity across the industries DLI regulates while preserving due process rights.

52nd Annual Institute for Building Officials

When: Jan. 9 to 18, 2008
Where: Continuing Education and Conference Center, St. Paul
Who: Building, design, construction and inspection code professionals
Details: www.cce.umn.edu/buildingofficials

Registration information
Phone: (612) 624-4000

Program questions
Phone: (612) 624-3708
E-mail: cceconf5@umn.edu

The trade show is 4 to 6 p.m., Jan. 16, 2008. The Minnesota certified building official exam will be at 6:30 a.m., Jan. 18, 2008.

ICC Upper Great Plains Regional III Education Institute

When: Feb. 4 to 8, 2008
Where: The Northland Inn, Brooklyn Park, Minn.
Who: Building, design, construction and inspection code professionals
Details: www.ambo.us, www.iccsafe.org/training or call 1-888-ICC-SAFE ext 33817

A trade show is planned for 10 a.m. to 4 p.m., Feb. 6 and 7.

View more building code training opportunities online at: www.doli.state.mn.us/bc_education.html

Cutting corners on welds

These photos were taken at a project in Minnesota and show high-pressure piping that was sent with five rooftop ammonia refrigeration units.

The manufacturer/contractor is from outside of Minnesota and is not licensed to fabricate or install high-pressure piping in the state.

The manufacturer/contractor was told not to send any piping, but cut the pieces and “tack welded” them in place. The welds do not even approach code compliance and arc burns are clearly noticeable on the piping.



**View more photos of
improper HPP welds at:**
www.doli.state.mn.us/hpp.html



Recently-established Board of Electricity conducts first meetings

The Board of Electricity met for the first time Nov. 5, 2007, and again on Dec. 11. It was established by the 2007 legislature and consists of 12 members including:

- Electrical utilities: Douglas Fingerson and Kim Huxford
- Contractors (master electricians): Thomas Seanger and Jay Lewis
- Contractors (power limited technicians): James Freichels and Timothy Malooly
- Journeyman electricians: Daniel Klein and Anthony Toft
- Electrical inspector: Richard Owen
- Electrical engineer: Joseph Vespa
- Public member: John McConnell
- Commissioner’s designee: John Schultz

Members appointed by the governor serve a three-year term, except for the first term, when half of the members’ terms end Dec. 31, 2010, and the other half end Dec. 31, 2011.

Elected officers include Freichels as chairman, Lewis as vice-chairman and Fingerson secretary. Officers will serve

until the annual meeting in July 2008.

The board’s main authority includes adoption of the National Electrical Code, issuing final interpretations of the Minnesota Electrical Code, adoption of licensing and registration rules, adoption of continuing education rules and approval of license reciprocity agreements. The majority of the first meeting focused on detailed explanation of legal issues and board authorities.

The board voted at its Dec. 11 meeting to present a substantiating argument that from a public safety perspective the 2008 NEC needs to become effective July 1, 2008, rather than 180 days after adoption. The 180 day offset requirement includes a provision that allows the effective date to be less for public health and safety. The provision is found in the 2007 Session Laws, Chapter 140, Article 4, Section 11.

The meeting agenda and minutes are available at www.doli.state.mn.us/boe.html. E-mail messages can be sent to dli.cclboards@state.mn.us.

Inspector competency rules hearing conducted

A public hearing on the proposed construction code inspector competency rules was conducted Oct. 26, 2007, at the Department of Labor and Industry.

The department was represented by Steve Hernick, CCLD assistant director; Don Sivigny, CCLD senior code development representative; and Barry Grieve, committee chair and CCLD senior code administrative services



representative.

Administrative Law Judge Kathleen D. Sheehy heard testimony concerning the rules from industry and code officials.

Judge Sheehy will issue a report to the department at the end of December.

Visit www.doli.state.mn.us/rulemaking_activity.html to track the progress of the rule adoption process.

Hand-drawn plumbing plan revisions not accepted

From time to time, hand-drawn revisions or modifications made to computer generated (CAD) plumbing plans are submitted for review. Plans with these types of revisions or modifications will not be accepted. The drawings submitted for review and approval must be modified using a CAD system.

In addition, plans that show an engineering firm's logo in the title

block, but are signed by a master plumber or other person that is not employed by the engineering firm, will not be accepted.

Designs for plumbing systems may be prepared by the plumbing firm performing the installation or by a licensed professional engineer. However, the plans must be signed by the designer, and include the license number of the engineer or plumber.

Code change reduces reach range for operable parts

The 2007 State Accessibility Code has a reduced reach range for operable parts.

The new range is 15 inches minimum above the floor to 48 inches maximum above the floor for an unobstructed reach from a wheelchair. When reaching across an obstruction, the maximum high reach is 46 inches above the floor.

In residential Type A and Type B dwelling units and sleeping units, the code requires that lighting controls, electrical switches and receptacle

outlets, environmental controls, electrical panel boards and user controls for security or intercom systems be mounted within those reach ranges stated above.

There are some exceptions for certain elements. In general, controls must be within the reach range. The code sections addressing this issue in Type A and Type B units are 1341.1003, subp. 2 and 1341.1004, subp. 2.

For more information, contact Curt Wiehle at (651) 284-5877 or curtis.wiehle@state.mn.us.



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

To receive e-mail notification about future issues of the *CCLD Review*, [subscribe online](#). Send any questions, story ideas or comments to dli.ccldreview@state.mn.us.

Contact information

CCLD main phone number
(651) 284-5012

CCLD staff phone numbers and e-mail addresses:
www.doli.state.mn.us/cclcontactus.html

Licensing information

DLI.Licensing@state.mn.us
Electrical: (651) 284-5031
Boiler: (651) 284-5080
Residential Building Contractors:
(651) 284-5034

Building Code information

Phone: (651) 284-5068
Toll-free: 1-800-657-3944
Fax: (651) 284-5749
TTY: (651) 297-4198
bcsd.response@state.mn.us

Electrical information

Phone: (651) 284-5064
Fax: (651) 284-5743
DLI.Electricity@state.mn.us

Boiler, High-Pressure Piping, Boats-for-Hire Inspection

Phone: (651) 284-5544
Fax: (651) 284-5737
DLI.Code@state.mn.us

Plumbing information

Phone: (651) 284-5067
Fax: (651) 284-5748
DLI.Plumbing@state.mn.us

Residential Building Contractor information

Phone: (651) 284-5065
Fax: (651) 284-5749
DLI.Contractor@state.mn.us

New Plumbing Board conducts first meeting

The newly-appointed Plumbing Board met for the first time on Nov. 13, 2007, at DLI's St. Paul offices.

The 12 new board members, appointed by the governor, include:

Karl D. Abrahamson	James Kittelson
Rebecca L. Ames	Allen J. Lamm
Steven Christenson	Michael McGowan
Jim Gander	Rick Palmateer
Lawrence G. Justin	John A. Parizek
Kenneth Kammerer	Paul A. Sullwold

The board's commissioner designees are Ronald Thompson of the Minnesota Department of Health and Randy Ellingboe, DLI. Elected officers include Parizek as chairman, Justin as vice-chairman and Gander as secretary.

The board will meet again at 9:30 a.m., Jan. 10. For more information about the Plumbing Board, visit www.doli.state.mn.us/pb.html



Steve Sviggum, DLI Commissioner, left, and Randy Ellingboe, manager of the CCLD Plumbing Plan Review and Inspection Unit, welcome members to the Nov. 13 Plumbing Board meeting at DLI's St. Paul offices.

National Electrical Code seminars are set for April and May

■ One-day meetings to be presented at eight locations throughout state

The Electrical Inspections section of the CCLD will sponsor a one-day seminar on the 2008 National Electrical Code.

The NEC 2008 "Analysis of Changes" will be used as the base document for the program. CCLD Electrical Area Representatives will present the seminar at eight

locations around the state starting April 2, 2008, and concluding May 28, 2008.

This is the first electrical seminar for the newly formed CCLD. The division intends to provide more electrical code seminars in the future.

See the brochure online starting in February at:
www.doli.state.mn.us/buildingcodes.html

The brochure and registration form for this program will be available at www.doli.state.mn.us/buildingcodes.html February 2008.

All people working as plumbers must follow licensing, bond rules

Since Dec. 1, 2007, all people – statewide – working at the business of plumbing must be licensed plumbers or registered apprentices, and have a \$25,000 plumbing code compliance bond filed with the Department of Labor and Industry (DLI).

The one exception is for those who install sewer or water service pipes outside buildings that are certified with pipe laying training and have filed the \$25,000 plumbing code compliance bond with DLI.

Questions? Visit the Web site:
www.doli.state.mn.us/plumbing.html

Apprentices must be directly supervised by a licensed plumber. Single-family homeowners may perform plumbing without a license in a home they occupy.

Unlicensed individuals with two or more years practical plumbing work experience have until Dec. 31, 2007, to obtain a restricted plumbers license if they qualify and apply as described online at www.doli.state.mn.us/plumbing.html.

Did you know?

New enforcement tools apply to all CCLD industries



One of the goals of the construction codes consolidation was to adopt uniform and consistent enforcement tools and procedures for all of the industries that CCLD regulates. Managers of the units that moved to DLI in 2005 examined the best practices of the plumbing, electrical, residential building contractor, high-pressure piping and boiler units, and proposed a new set of enforcement tools that seeks to make enforcement more efficient and consistent, while preserving the due process rights of the subject of enforcement.

The enforcement section of the 2007 code legislation provides for the implementation of four new enforcement tools:

1 Notice of violation

A notice of violation is the lowest form of enforcement and can be issued to anyone who violates a law under CCLD's authority. It is to be used for violations that need correction, but do not require a penalty and may be served on the violator or posted at the site of the violation. Written requests for reconsideration may be made, but the commissioner's response cannot be challenged and is final.



(Administrative orders) may be issued to anyone who violates a law under CCLD's authority and is the only enforcement tool that can fine an unlicensed person."

2 Stop Order

A stop order requires the subject to cease and desist from violative conduct but cannot include a civil penalty. It must describe the act, conduct, practice, or condition, and applicable law, and provide notice of the subject's right to a hearing. Hearings will be at the Office of Administrative Hearings, though the commissioner will be the final decision maker.

3 Administrative Order

An administrative order may be issued to anyone who violates a law under CCLD's authority and is the only enforcement tool that can fine an unlicensed person. It can contain a civil penalty and require corrections to be made. Some or all of a penalty may be forgiven if corrections are made as ordered. The subject of an order may request a hearing. If no hearing is requested within 30 days, the order becomes final and any civil penalty becomes due.

4 Licensing Order

A licensing order can only be issued against licensees and applicants and does not include corrective action, though it may include cease and desist language. The order must describe the violative conduct, the penalty assessed and the subject's right to a hearing. If no hearing is requested within 30 days, the order becomes final and any civil penalty becomes due and owing.



Lawmakers change who can perform plumbing work

Following a Dec. 1, 2007 change, owners of public, commercial and licensed facilities and their employees can no longer do plumbing in their facilities in areas of fewer than 5,000 people unless licensed to perform plumbing.

Plans for installation of plumbing in these facilities must be prepared by a licensed engineer, or the licensed plumber who will perform the installation. This is the same as currently required in cities of 5,000 or more.

Want to see the code? Visit:
<http://www.revisor.leg.state.mn.us/arule/4715/3130.html>

Don't start work without plan approval

Starting installation of interior plumbing or exterior water service or a sanitary or storm sewer system in a commercial or public facility prior to plumbing plan approval is a violation of the Minnesota Plumbing Code.

Recently, DLI has found a number of jobs started

prior to plumbing plan approval. This has usually been when plans were submitted by someone other than the contractor performing the installation. The plumbing or pipelayer contractor is responsible for not beginning work until the plan has been approved either by the DLI Plumbing Plan Review and Inspections Unit, a city that has a plumbing plan review agreement with DLI or a city of the first class (Minneapolis, St. Paul, and Duluth).

Do not assume the engineering firm designing the plan or general contractor has received the approval. Ask for a copy of the letter or call DLI at (651) 284-5044 for verification. Starting without a plan approval may result in a monetary penalty. The requirements for submitting plans and specifications are found in Minnesota Rules part 4715.3130 of the Minnesota Plumbing Code (see www.revisor.leg.state.mn.us/arule/4715/3130.html)

How old is your 'R' value? Energy code requires that you know

The Minnesota energy code and federal thermal insulation regulations require the installed R value of spray foam plastic insulation products to be based on the "aged" R value.

Using a standardized "aged" R value is particularly important for "closed cell" foam plastics (both spray and board) as these products slowly lose some R value because the special gasses used as a blowing agent begin to diffuse out over time.

The requirement is part of the Minnesota Thermal Insulation Standards, Minnesota Rules Chapter 7640, administered by the Department of Commerce. Chapter 7640 is incorporated by reference in both the "Category 1" energy code (Part 7670.0260, subpart 3) and the 2000 energy code (Part 7672.0300, subpart 4). Aged R value is also a requirement for foam plastic insulations in the U.S. Federal Trade Commission's "R Value Rule."

The correct R value of any particular brand of



State and federal rules require the installed R value of spray foam be based on the "aged" R value. (Photo by BASF Polyurethane Foam Enterprises, LLC)

insulation can be found on the manufacturer's "FTC Fact Sheet," which is required by the FTC R value Rule to be available for each thermal insulation product.

For more information about these requirements, contact Bruce Nelson at the Department of Commerce, State Energy Office by phone at (651) 297-2313 or via e-mail at bruce.nelson@state.mn.us

Give notice when ready for inspection

It is the duty of the plumbing contractor to notify the proper administrative authority when the plumbing installation is ready for a test or inspection.

The inspector, along with the plumbing contractor, will set a date and time for the inspection or test. According to state rule, if the inspector does not appear within 24 hours of the appointment — with some exceptions — the inspection or test is deemed to have been completed and the plumbing contractor is required to file an affidavit stating that the work meets code. If you have questions, call (651) 284-5044 and ask to speak to a plumbing inspector.

Limitations placed on some above-ground pipe installations

When designing and installing plastic piping systems for drain waste and vent systems, consideration must be given to thermal expansion and contraction of the materials for proper installation and function of a plumbing system.

To compensate for expansion and contraction of plastic pipe, the Minnesota Plumbing Code requires that no horizontal drain, waste and vent piping may exceed 35 feet in total length; and no stack may exceed 35 feet in total height unless an approved expansion and contraction joint is installed at intervals not to exceed 35 feet. Special waste plastic pipe must also meet this requirement.

If your project includes plastic pipe, please design in advance to avoid problems with plastic pipe limitation requirements during construction.

Air admittance valves and water-free urinals prohibited

The 2007 Minnesota Legislature prohibited the installation of air admittance valves and no-flush urinals. Minnesota Statute section 326.37, subd. 4., states that mechanical devices and fittings with internal moving parts are prohibited from installation in plumbing venting systems.

Also, all urinals covered under the jurisdiction of the Minnesota Plumbing Code must have a water flush device with a volume of not more than one gallon per use.

New manufactured structures memo now available online

The Manufactured Structures section of CCLD regulates manufactured housing (mobile homes) and prefabricated buildings. Its newest memorandum, which covers repairs and alterations to manufactured homes, is available at www.doli.state.mn.us/bc_manufactured_bulletins.html

Sign up to receive rulemaking updates

DLI rulemaking information for CCLD is online at www.doli.state.mn.us/rulemaking_activity.html.

To receive notices of agency rule proceedings register at www.doli.state.mn.us/docs/rules_reqnotices.doc or print the Word document from the Web site, complete it and mail it as directed.



Board of High-Pressure Piping Systems conducts first meetings

The Board of High-Pressure Piping Systems met Nov. 16 and Dec. 17 at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul. For information about the board, visit www.doli.state.mn.us/bohpps.html

Would you like to become a member of a board or council? Visit www.doli.state.mn.us/boards.html

Former CCLD worker remembered

Many close to Heitz said he had a 'dream job'

Former CCLD employee Leroy Heitz lost his battle with cancer Nov. 20, 2007, in Shakopee, Minn. A memorial service was Nov. 30 in Chaska.

Heitz was the building official in Scott County until he was hired by the Minnesota Division of Building Codes and Standards in 1997.

In 1998, he was promoted to regional building official of the northwest region of Minnesota and promptly moved from his home in the southern metro to Woman Lake near Longville, Minn.

In 2002, he and his wife, Sherri, moved into a home on Leech Lake near Walker, Minn., where he maintained his home office for CCLD. Many said Heitz had a "dream job," living on a lake with northern Minnesota as his inspection territory. However, there was much more to it for Heitz. He loved his work and seemed to have mastered the art of working with the local contractors and



Leroy Heitz

building officials. This extended from working in the sensitive regions of the Red Lake Reservation to answering calls at all hours from officials going through some difficult times.

Heitz always gave his best. However, after undergoing cancer surgery last year, he decided to retire from state employment.

Heitz is survived by his wife and will be missed by many coworkers.

Have an electrical complaint?

You can express electrical complaints in a proactive manner by reporting violations as a formal complaint.

For details, visit:

www.electricity.state.mn.us/Complain/index.html.

Building official changes?

The building official list is online at:

www.doli.state.mn.us/buildingcodes.html.

If a change is needed, please contact Peggi White via e-mail at:

peggi.white@state.mn.us.

Not sure who to call at CCLD?

Visit the contact page at:

www.doli.state.mn.us/cclidcontactus

The CCLD phone and e-mail address list includes contacts for specific issues.



Place your display unit reservations for 2008

CCLD loans three, two-part display units to building officials presenting code-related information at community events.

A variety of free literature and photos is provided. The display case size is 55" x 26" x 11".

To reserve a display, contact Chris Thompson at (651) 284-

5856 or via e-mail at chris.thompson@state.mn.us.

A specific pickup time will be arranged to allow quick pickup in DLI's front lobby.

For directions to DLI and parking information, visit www.doli.state.mn.us/direct.html.