

CCLD REVIEW

Construction Codes and Licensing Division • Minnesota Department of Labor and Industry • Winter 2020

ENERGY CODES

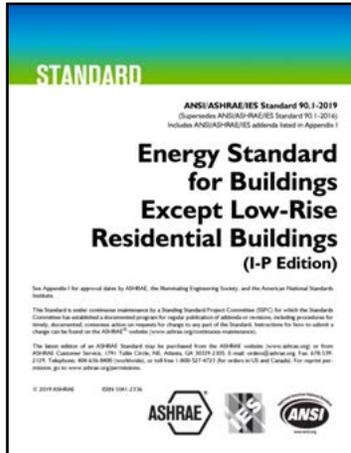
Building Energy Efficiency Workgroup Report released

At the Dec. 10, 2020, meeting of the Construction Codes Advisory Council, the department announced the release of the Building Energy Efficiency Workgroup's final report.

The recommendations are the result of a stakeholder workgroup convened by the commissioners of Labor and Industry and Commerce in late 2019 and early 2020. The workgroup's aim was to consider ways to improve energy efficiency in new commercial and multifamily buildings.

The report recommends that the current statewide commercial energy code be advanced and accelerated such that it achieves net zero by 2036, beginning with adoption of ASHRAE 90.1-2019. Because the model code alone would likely be insufficient to achieve net zero by 2036, subsequent code adoptions would include an adjusted minimum percent efficiency or an equivalent set of enhancements to meet that goal.

The proposal is part of the interagency Climate Change Subcabinet work to meet Minnesota's greenhouse gas reduction goals of 30% reduction from 2005 levels by 2025 and 80% reduction by 2050. The report is available www.dli.mn.gov/about-department/boards-and-councils/building-efficiency-workgroup.



Adoption of a new commercial energy code being studied

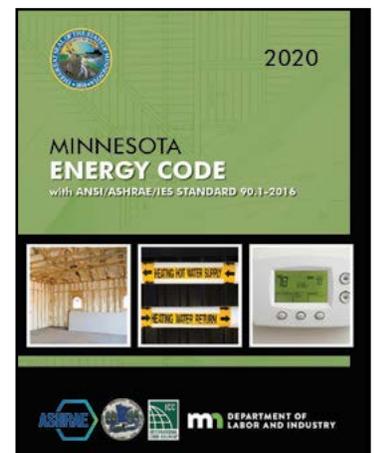
At the Dec. 10, 2020, meeting of the Construction Codes Advisory Council, the department announced work to begin studying a new commercial energy code, the ASHRAE 90.1-2019, with the goal of preparing it for adoption in 2022.

Minnesota adopted the commercial provisions of the 2018 International Energy Conservation Code (IECC), which includes the 2016 version of ASHRAE for commercial buildings, on March 31, 2020. To begin the process to adopt a new commercial energy code, the [CCAC approved members of a commercial energy code Technical Advisory Group \(TAG\)](#). Work of the TAG will begin in January 2021.

The current residential energy code will remain

On Aug. 3, 2020, a public input hearing about whether the department should adopt the residential provisions of the 2018 IECC was conducted. The administrative law judge who presided over the hearing concluded in his final report that although the hearing record could support either determination by the commissioner, he recommended postponement of the rulemaking.

The commissioner has determined that Minnesota will not adopt the residential provisions of the 2018 IECC. The determination letter is available at www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1322. The U.S. Department of Energy will review and evaluate the 2021 IECC and Minnesota will make a subsequent determination.



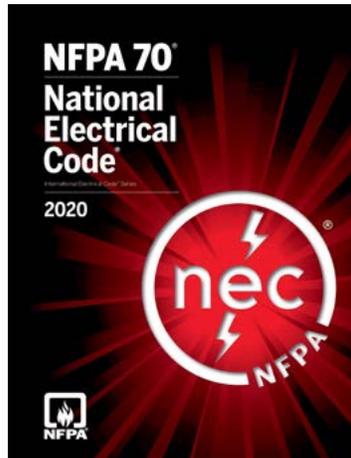
2020 National Electrical Code adopted

The Board of Electricity adopted the 2020 National Electrical Code (NEC) with an effective date of Nov. 17, 2020. Accordingly, DLI began enforcing the 2020 NEC on Nov. 17, 2020. Electrical work authorized by permits issued on or after this date must comply with the 2020 NEC. Electrical license examinations are based on the requirements of the 2020 NEC beginning Jan. 1, 2021.

GFCI enforcement delay

Due to concerns regarding the availability of 2-pole GFCI circuit breakers, until further notice, the department is delaying enforcement of the requirements for 250-volt GFCI receptacles and outlet requirements found in NEC 210.8(A) and 210.8(F).

GFCI circuit breakers may be commercially available, but the COVID-19 pandemic has created major manufacturing and supply-chain challenges, thus limiting the availability of these devices and the ability to complete work and obtain inspections. Section 90.4 of the NEC allows the authority having jurisdiction to refer to the most recent previous edition of the NEC adopted by the jurisdiction when materials are not yet available at the time the code is adopted.



Minnesota Plumbing Code rulemaking update

The Plumbing Board published the Dual Notice in the State Register on Oct. 26, 2020, for proposed amendments to the Minnesota Plumbing Code that incorporates by reference the 2018 Uniform Plumbing Code, with amendments. Comments and requests for a hearing were accepted through Nov. 25, 2020. The board did not receive any requests for a hearing during the comment period.

Minnesota statutes require a 270-day delay between publication of the rule's Notice of Adoption in the State Register and the effective date of the rule. This allows time to publish the code book and training. As a result, the anticipated effective date will be sometime in late 2021. The current Plumbing Code will remain in effect until the new rule's effective date.

The proposed amendments to the Minnesota Plumbing Code, Chapter 4714, and periodic updates are available on the board's rulemaking docket at www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minn-r-chpt-4714-2018-upc.

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

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Contact information

CCLD main contact info

Phone: 651-284-5012
Toll-free: 1-800-657-3944
Fax: 651-284-5746

Visit the [Contact Us](#) page

Licensing information

DLI.License@state.mn.us

Business/contractor licenses and bonds: 651-284-5034

(Including: electrical, HPP, plumbing, residential, manufactured structures, mechanical bonds, technology system, water conditioning)

Personal licenses and certificates: 651-284-5031

(Including: boiler engineers, electricians, plumbers, power limited technicians, pipefitters, unlicensed individuals, building officials)

Electrical information

Phone: 651-284-5026

Fax: 651-284-5746

DLI.Electricity@state.mn.us

Boiler, high-pressure piping, boats-for-hire inspection

Phone: 651-284-5544

Fax: 651-284-5746

DLI.Code@state.mn.us

Plumbing information

Phone: 651-284-5063

Fax: 651-284-5746

DLI.Plumbing@state.mn.us

License enforcement details

Phone: 651-284-5069

Fax: 651-284-5746

DLI.Contractor@state.mn.us

Contractor registration

Phone: 651-284-5074

DLI.register@state.mn.us

Schedule of board and council meetings

At right is a schedule of board and council meetings supported by CCLD.

Visit www.dli.mn.gov/about-department/boards-and-councils to view meeting minutes, agendas, rulemaking documents and schedules for these meetings and additional boards and councils.

Board of Electricity

- Jan. 12, 2021
- April 13, 2021
- July 13, 2021
- Oct. 12, 2021

Board of High-Pressure Piping

- Jan. 14, 2021
- April 8, 2021
- July 8, 2021
- Oct. 14, 2021

Combative Sports Advisory Council

- TBD

Plumbing Board

- Jan. 19, 2021
- April 20, 2021
- July 20, 2021
- Oct. 19, 2021

Notice of change to elevator permits in Minneapolis

DLI will begin providing permits for elevator work in Minneapolis beginning Jan. 1, 2021. The city of Minneapolis will no longer issue elevator permits or provide elevator inspections at that time.

Changes for contractors:

- As of Jan. 1, 2021, all elevator permits for work in Minneapolis must be applied for through DLI's [online permit system](#). New contractors who have not yet used this system will need to create an account and link it to their state-issued license.
- DLI will give final approval for alteration and installation permits that were filed with the city prior to Jan. 1, 2021. Repair permits filed with Minneapolis should be completed by city inspectors prior to Jan. 1, 2021.

Questions?

Contact us at ims.support.dli@state.mn.us or 651-284-5026.



Adult foster care: Which building code applies?

When determining general application of codes, it is best to start at the beginning with the administrative provisions of Minnesota Rule 1300.

Home-based care facilities like adult foster care, hospice and child foster care not located in a care giver's primary residence can be difficult to scope back to IRC-1 Single Family Home, IRC-2 Two-Family Home or IRC-3 Townhome. Section 1300.0040 states that buildings not meeting those definitions must comply with Minnesota Rule 1305, the commercial building code. However, even though these use groups are scoped through Minnesota Rule 1305, the charging language of Section 310.1 has an exception that allows Group R-3 and R-4 occupancies located in a one- or two-family dwelling or townhouse and classified as a "dwelling unit" to be constructed per Minnesota Rules, Chapter 1309 the Minnesota Residential Code as long as they are:

1. Listed in Table 302.2 and classified as a "dwelling unit" within the table, and
2. Equipped with an automatic sprinkler system in accordance with Minnesota Rule 1305, Section 903.2.8.

It is critical to identify the type of licensed facility, the number or type of care recipients and the occupancy classification in Table 302.2 to properly administer the code for these types of facilities. View this Quick Reference Guide for more information: www.dli.mn.gov/sites/default/files/pdf/MSBC_care_facilities.pdf.

Municipalities that issue permits must report unlicensed contractors

Information is used to assist with enforcement of licensing laws

To assist with enforcement of Minnesota's residential building contractor licensing laws, municipalities that issue building, zoning or land use permits are required to submit details to DLI about unlicensed contractors who attempt to pull permits and those purporting to be an owner acting as their own general contractor for new construction.



Unlicensed contractor

First, municipalities must check the license status of every contractor that applies for a residential building, zoning or land use permit for work that requires a state license. Municipalities may charge up to \$5 to cover the cost of verifying the license. When an unlicensed contractor attempts to pull a permit for work that requires a state license, the municipality must report the unlicensed contractor to DLI by emailing a copy of the permit application and any other information about the contractor to dli.contractor@state.mn.us.

New construction

The second reporting requirement relates to building permits for new construction of residential homes. When an unlicensed individual purporting to be the owner acting as their own general contractor applies for a permit to build a new home, this permit application must be reported to DLI within two business days of receipt of the application. Submit the application to dli.contractor@state.mn.us or fax to 651-284-5746.

The information is used to monitor for potential unlicensed activity by individuals who claim to be building their own home but are building for speculation. An individual is presumed to be building for purposes of speculation if they build or improve more than one home in a 24-month period.

Questions?

- [Minn. Stat. § 326B.85 – Reporting requirements.](#)
- [Minn. Stat. § 326B.815, subd. 2 – License verification surcharge.](#)
- Contact us at dli.contractor@state.mn.us or 651-284-5069.

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Unlicensed contractor abandons project, is fined \$18,300

- An unlicensed Richfield, Minnesota, contractor was fined \$18,300 and ordered to cease and desist from unlicensed residential building contractor, electrical and plumbing activity after DLI investigated a complaint that the contractor abandoned a homeowner's project before completion.
- A licensed Menasha, Wisconsin, electrical contractor failed to ensure its registered unlicensed individuals were properly supervised by licensed electricians at the required supervision ratio. The contractor was censured and fined \$20,000, which was the amount stayed in a previous consent order against the contractor based on similar violations.
- An unlicensed Grand Rapids, Minnesota, residential building contractor was ordered to cease and desist from engaging in the unlicensed activity and fined \$7,000.



Enforcement actions
View enforcement and license actions levied against licensees.

More information

View summaries of enforcement actions at www.dli.mn.gov/workers/homeowners/file-complaint-and-view-enforcement-actions. Questions? Contact us at 651-284-5069 or dli.contractor@state.mn.us.

Renew master electrician licenses by Feb. 28, 2021

All current master electrician licenses expire Feb. 28, 2021. Renew your license at <https://secure.doli.state.mn.us/license/Default.aspx>. The renewal fee is \$73, but renewals received after Feb. 28, 2021, will be assessed a \$30 late fee.

Continuing education

Complete the required 16 hours of DLI-approved continuing education (CE) before you renew your license. Even if you pay the renewal fee, your license will not be renewed until all of your CE requirements have been met.

Of the required 16 hours of CE, at least 12 hours must pertain to the National Electrical Code. No more than four hours may pertain to technical topics related to electrical installations and equipment, or the Minnesota statutes governing electrical work. There is no limit to the number of hours of CE you can take online.

CE course sponsors report attendance directly to us. Keep copies of course completion certificates for your records, but they do not need to be submitted. Also, be sure to provide your master license number (beginning with AM) rather than a contractor license (beginning with EA) when you register and sign-in to attend your courses.

Electricians with more than one type of license can apply their CE courses to each of their licenses – only the number of hours required for the license with the highest CE requirement must be fulfilled. Check your CE status online by looking yourself up at <https://secure.doli.state.mn.us/lookup/licensing.aspx>.

A directory of approved CE courses is at <https://secure.doli.state.mn.us/cclcdcecourses/>.

Questions?

- Continuing education information: www.dli.mn.gov/workers/electrician-or-electrical-installer/continuing-education-electrical.
- Contact us at dli.license@state.mn.us or 651-284-5031.

Some residential building contractor licenses expire March 31, 2021

Roughly half of all Minnesota residential building contractor and remodeler licenses, expire March 31, 2021. Renew online at <https://secure.doli.state.mn.us/license/Default.aspx>. You can also review and update the information we have on file for your license during the renewal. Renewals received after March 31 are subject to a \$60 late fee.

As part of the renewal, licensees must submit a liability insurance certificate and workers' compensation insurance compliance form. Download forms at www.dli.mn.gov/business/residential-contractors/contractor-and-remodeler-license.

Completed forms can be sent to dli.license@state.mn.us, faxed to 651-284-5746 or mailed to us. Insurance agents may submit [CCLD's liability insurance certificate form](#), or an ACORD form, as long as DLI is listed as a certificate holder. Businesses should ensure that an updated liability insurance certificate is submitted as soon as the policy is renewed or replaced.

Qualifying person continuing education

The qualifying person for a building contractor or remodeler license must complete 14 hours of DLI-approved continuing education (CE) every two years, of which one hour must relate to the Minnesota Energy Code and one hour must relate to business management strategies (*See related story below*).

However, the individual's deadline for completing their CE is not always the same as the expiration date of the contractor's business license. Check CE status at <https://secure.doli.state.mn.us/lookup/licensing.aspx>.

Approved continuing education courses are at <https://secure.doli.state.mn.us/ccldcourses/>.

Contractors who choose not to renew online should complete and mail these forms and the license fee to us: www.dli.mn.gov/sites/default/files/pdf/rbc_renewal19.pdf.

Questions?

Contact us at dli.license@state.mn.us or 651-284-5034.



Residential contractors must complete management strategies continuing ed

The Minnesota Legislature recently enacted a change to residential building contractor continuing education (CE) rules requiring completion of a course about business management strategies.

All qualifying builders and remodelers are required to take 14 hours of DLI-approved CE every two years. Historically, at least one hour must relate to the Minnesota Energy Code. Now, one hour must also relate to business management strategies. This new requirement does not change the required number of hours. Now, of the 14 hours required every two years, at least one must relate to the Energy Code and at least one must relate to business management strategies.

Questions?

Contact us at 651-284-5831 or dli.license@state.mn.us.

Minnesota represented at virtual NERA meeting

The annual National Electrical Reciprocal Alliance (NERA) meeting was conducted virtually Oct. 19 and 20, 2020.

NERA consists of seventeen member states that promote reciprocity with other states that have similar, complimentary and interchangeable requirements for licensed individuals through reciprocity agreements between comparable states.

This meeting was attended virtually by 14 of the 17 states, with DLI Electrical Representative Steve Dudley representing Minnesota.



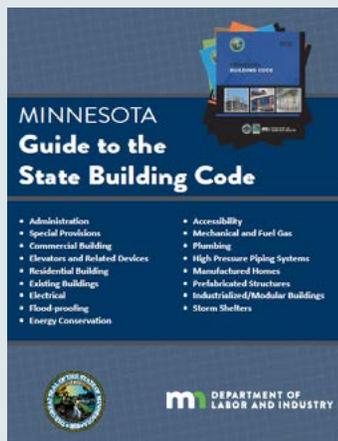
Some topics of discussion included:

- Utah lessening reciprocity restrictions.
- Colorado possibly entering into a reciprocal agreement with Maine and Texas.
- Continuing education credit reciprocity agreements and how they could be implemented.
- Legal difficulties of having a NERA exam bank of question.
- Membership status of Utah and New Mexico.
- Adoption of the 2020 NEC.
- Possibility of changes to the NERA verification website which is managed by Nebraska.
- Update from each member state.

Updated Guide to the State Building Code available

A document outlining usage and application of the Minnesota State Building Code was recently updated and is available online.

The updated Guide to the State Building Code is at www.dli.mn.gov/business/codes-and-laws/2020-minnesota-state-building-codes.



Additionally, the page includes links to free, online access to the State Building Codes as well as links to purchase code books.

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