

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 217

(SENATE AUTHORS: DRAHEIM)

DATE
01/12/2023

D-PG
169 Introduction and first reading
Referred to Labor

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to the State Building Code; prohibiting municipalities from requiring use
1.3 of designated building officials for inspections; allowing municipalities to opt out
1.4 of prohibition by ordinance; authorizing civil action against municipality for
1.5 negligent construction code inspection under certain conditions; proposing coding
1.6 for new law in Minnesota Statutes, chapter 326B.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **326B.086] INSPECTIONS; MUNICIPALITIES; LIABILITY.**

1.9 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
1.10 the meanings given them.

1.11 (b) "Inspector" means a certified building official under section 326B.133, a certified
1.12 building official-limited under section 326B.133, or a construction code inspector working
1.13 under the direction of a designated building official to ensure compliance with the State
1.14 Building Code.

1.15 (c) "Municipality" has the meaning given in section 466.01, subdivision 1.

1.16 (d) "Scope of work" means that the inspector was acting on behalf of the municipality
1.17 in the performance of duties or tasks lawfully assigned by competent authority or pursuant
1.18 to a contractual relationship with the municipality.

1.19 Subd. 2. **Prohibition on use of certain building official or inspector.** Except as provided
1.20 in subdivision 3, a municipality is prohibited from requiring the use of a designated building
1.21 official, designated building official-limited, or inspector working under the supervision of
1.22 the designated building official to conduct the inspections necessary for issuance of a building
1.23 permit by the municipality. A property owner may contract with any certified building

2.1 official, certified building official-limited, or construction code inspector authorized to
2.2 conduct inspections under this chapter to conduct the inspections necessary for issuance of
2.3 a building permit by the municipality.

2.4 Subd. 3. **Municipal ordinance.** A municipality may by ordinance adopt an official
2.5 control that requires use of the designated local building official, designated building
2.6 official-limited, or inspector working under the supervision of the designated building
2.7 official to conduct the inspections necessary for issuance of a building permit by the
2.8 municipality.

2.9 Subd. 4. **Municipality liability for negligent inspection.** (a) A municipality that has
2.10 adopted an ordinance authorized under subdivision 3 is subject to this subdivision.

2.11 (b) An owner of real property may bring a civil action in district court against a
2.12 municipality that has adopted an ordinance authorized under subdivision 3 seeking damages
2.13 for a negligent inspection if:

2.14 (1) the inspector acted within the scope of work at the time of the alleged act or omission;
2.15 and

2.16 (2) the inspector's act or omission caused injury to or loss of property or personal injury
2.17 or death.

2.18 (c) If the owner prevails on a claim brought under this section, the court may award
2.19 reasonable attorney fees and reasonable costs to the owner.

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to causes
2.21 of actions accruing on or after that date.