

CHAPTER 508—H.F.No. 31

An act relating to public safety; creating the Minnesota advisory council on fire protection systems; requiring licensing and certifying of the fire protection industry; providing for rules and an exemption; providing for fees; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 299M.

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

Section 1. [299M.01] DEFINITIONS.

Subdivision 1. SCOPE. For the purposes of this chapter, the following terms have the meanings given them in this section.

Subd. 2. APPRENTICE SPRINKLER FITTER. "Apprentice sprinkler fitter" means a person, other than a fire protection contractor or journeyman sprinkler fitter, who is regularly engaged in learning the trade under the direct supervision of a licensed fire protection contractor or journeyman sprinkler fitter and is registered with a state or federal approval agency.

Subd. 3. COMMISSIONER. "Commissioner" means the commissioner of public safety.

Subd. 4. COUNCIL. "Council" means the Minnesota advisory council on fire protection systems.

Subd. 5. DEPARTMENT. "Department" means the department of public safety.

Subd. 6. FIRE PROTECTION CONTRACTOR. "Fire protection contractor" means a person who contracts to sell, design, install, modify, alter, or inspect a fire protection system or its parts or related equipment.

Subd. 7. FIRE PROTECTION SYSTEM. "Fire protection system" means a sprinkler, standpipe, hose system, or other special hazard system for fire protection purposes only, that is composed of an integrated system of underground and overhead piping connected to a potable water source. "Fire protection system" does not include the water service piping to a city water main, or piping used for potable water purposes, or piping used for heating or cooling purposes. Openings from potable water piping for fire protection systems must be made by persons properly licensed under section 326.40. Persons properly licensed under section 326.40 may also sell, design, install, modify or inspect a standpipe, hose system only.

Subd. 8. JOURNEYMAN SPRINKLER FITTER. "Journeyman sprinkler fitter" means a person who is certified as competent to engage in installing, connecting, altering, repairing, or adding to a fire protection system for and under the supervision of a fire protection contractor.

Subd. 9. MUNICIPALITY. "Municipality" means a town or statutory or home rule charter city.

New language is indicated by underline, deletions by strikeout.

Sec. 2. [299M.02] ADVISORY COUNCIL.

Subdivision 1. COMPENSATION; REMOVAL; EXPIRATION. The Minnesota advisory council on fire protection systems and its members are governed by section 15.059, except that the terms of members are governed by subdivision 2.

Subd. 2. MEMBERSHIP. The council consists of the commissioner of public safety or the commissioner's designee, the commissioner of labor and industry or the commissioner's designee, and eight members appointed for a term of three years by the governor. Two members must be licensed fire protection contractors or full-time, managing employees actively engaged in a licensed fire protection contractor business. Two members must be journeyman sprinkler fitters certified as competent under this chapter. One member of the council must be an active member of the Minnesota State Fire Chiefs Association. One member must be an active member of the Fire Marshals Association of Minnesota. One member must be a building official certified by the department of administration, who is professionally competent in fire protection system inspection. One member must be a member of the general public. The commissioners or their designees are nonvoting members.

Subd. 3. DUTIES. The council shall advise the commissioners of public safety and labor and industry on matters within the council's expertise or under the regulation of the commissioners.

Sec. 3. [299M.03] LICENSE OR CERTIFICATE REQUIRED.

Subdivision 1. CONTRACTOR LICENSE. A person may not sell, design, install, modify, or inspect a fire protection system, its parts, or related equipment, or offer to do so, unless annually licensed to perform these duties as a fire protection contractor. No license is required under this section for a person licensed as a professional engineer under section 326.03 who is competent in fire protection system design or a person licensed as an alarm and communication contractor under section 326.2421 for performing activities authorized by that license.

Subd. 2. JOURNEYMAN CERTIFICATE. A person may not install, connect, alter, repair, or add to a fire protection system, under the supervision of a fire protection contractor, unless annually certified to perform those duties as a journeyman sprinkler fitter or as a registered apprentice sprinkler fitter.

Sec. 4. [299M.04] RULES; SETTING FEES.

The commissioner shall adopt permanent rules for operation of the council; regulation by municipalities; permit, filing, inspection, certificate, and license fees; qualifications, examination, and licensing of fire protection contractors; certification of journeyman sprinkler fitters; registration of apprentices; and the administration and enforcement of this chapter. Fees must be set under section 16A.128. Permit fees must be a percentage of the total cost of the fire protection work.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 5. [299M.05] EXEMPTION FROM EXAMINATION.

A person who submits satisfactory proof to the commissioner of actively engaging in full-time fire protection systems installation either as a fire protection contractor or journeyman sprinkler fitter for a period of five years before the effective date of this section, and who applies for a license or certificate within 60 days after the effective date of this section, is eligible for licensure or certification without examination for two years after the effective date of this section. A person who is exempt from examination for the two-year period, fulfills all other requirements under this chapter and under rules adopted under section 4, and pays the required annual fee must be granted the appropriate license or certificate.

Sec. 6. [299M.06] REVOCATION, SUSPENSION, REFUSAL.

The commissioner may revoke, suspend, or refuse to issue or renew a license or certificate issued under this chapter. Any person aggrieved by the commissioner's action may request a hearing before the commissioner. The provisions of sections 14.57 to 14.69 apply to the hearing and to any subsequent proceedings.

Sec. 7. [299M.07] MUNICIPAL REGULATION.

A municipality by ordinance may require payment of permit fees for competent inspection of fire protection systems.

A municipality enacting an ordinance after the effective date of this section shall notify the commissioner of public safety.

A municipality may not require licensing, certification, registration, bonding, or insurance that is in addition to the state requirements outlined under this chapter.

Sec. 8. [299M.08] PENALTY.

It is a misdemeanor for any person to intentionally commit or direct another person to commit either of the following acts:

(1) to make a false statement in a license application, request for inspection, certificate, or other form or statement authorized or required under this chapter; or

(2) to perform fire protection system work without a proper permit, when required, and without a license or certificate for that work.

Sec. 9. [299M.09] AUTHORITY TO CONTRACT.

The commissioner may contract for services with local units of government.

Sec. 10. [299M.10] MONEY CREDITED TO GENERAL FUND.

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The fees and penalties collected under this chapter, except as provided in section 7, must be deposited in the state treasury and credited to the general fund. Money received by the state fire marshal division in the form of gifts, grants, reimbursements, or appropriation from any source for the administration of this chapter must also be deposited in the state treasury and credited to the general fund.

Sec. 11. [299M.11] FEES.

Subdivision 1. LICENSING FEE. A person required to be licensed under section 3, subdivision 1, shall, before receipt of the license and before causing fire protection-related work to be performed, pay the commissioner an annual license fee.

Subd. 2. CERTIFICATION FEE. Employees required to be certified under section 3, subdivision 2, shall, before performing fire protection-related work, pay the commissioner an annual certification fee.

Subd. 3. REGISTRATION FEE. Employees required to be registered under section 3, subdivision 2, shall, before performing fire protection-related work, pay the commissioner an annual registration fee.

Subd. 4. SURCHARGE FEE. Before beginning fire protection-related work, a fire protection contractor shall pay a project surcharge fee to the commissioner based on a percentage of the total costs of the fire protection-related work.

Subd. 5. DEPOSIT OF FEES. Fees collected under this section must be deposited in the state treasury and credited to the general fund.

Sec. 12. [299M.12] CONFLICTS OF LAWS.

This chapter is not intended to conflict with and does not supersede the Minnesota state building code, the Minnesota uniform fire code, or other state law.

Sec. 13. APPROPRIATION; COMPLEMENT.

\$147,000 is appropriated for the fiscal year ending June 30, 1993, from the general fund to the department of public safety for the purposes of sections 1 to 11.

The complement of the department of public safety is increased by two positions for the 1993 fiscal year for the purposes of sections 1 to 11.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 7:45 a.m.

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