

(d) Penalties assessed under sections 326.70 to 326.81 shall be paid to the commissioner for deposit in the state government special revenue fund. Unpaid penalties shall be increased to 125 percent of the original assessed amount if not paid within 60 days after the penalty order becomes final. After 60 days, interest shall accrue on the unpaid penalty balance at the rate established in section 549.09.

Sec. 16. EXTENSION OF HEARING INSTRUMENT DISPENSER TRAINEE PERIOD.

Notwithstanding Minnesota Statutes, section 153A.14, subdivision 4a, paragraph (a), a person approved by the commissioner of health as a hearing instrument dispenser trainee after July 1, 1994, and before December 1, 1994, may continue to dispense hearing instruments as a trainee until November 1, 1995.

Sec. 17. REPEALER.

Minnesota Statutes 1994, sections 144.877, subdivision 5; and 144.8781, subdivision 4, are repealed. Laws 1993, chapter 286, section 11, is repealed. Minnesota Rules, part 4620.1500, is repealed.

Sec. 18. EFFECTIVE DATE.

Section 16 is effective the day following final enactment.

Presented to the governor May 12, 1995

Signed by the governor May 15, 1995, 10:06 a.m.

CHAPTER 166—S.F.No. 870

An act relating to elevator safety; changing responsibility for certain administrative and enforcement activities; changing certain exemptions; imposing penalties; amending Minnesota Statutes 1994, sections 16B.61, subdivisions 1 and 1a; 16B.72; 16B.73; 183.351, subdivisions 2 and 5; 183.353; 183.354; 183.355, subdivisions 1, 3, and by adding a subdivision; 183.357, subdivisions 1 and 3; 183.358; and 326.244, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 183.

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

Section 1. Minnesota Statutes 1994, section 16B.61, subdivision 1, is amended to read:

Subdivision 1. **ADOPTION OF CODE.** Subject to sections 16B.59 to ~~16B.73~~ 16B.75, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protec-

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tion, health, sanitation, and safety. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to ~~16B.73~~ 16B.75, the commissioner shall administer and enforce the provisions of those sections.

Sec. 2. Minnesota Statutes 1994, section 16B.61, subdivision 1a, is amended to read:

Subd. 1a. **ADMINISTRATION BY COMMISSIONER.** The commissioner shall administer and enforce the state building code as a municipality with respect to public buildings and state licensed facilities in the state. The commissioner shall establish appropriate permit, plan review, and inspection fees for public buildings and state licensed facilities. Fees and surcharges for public buildings and state licensed facilities must be remitted to the commissioner, who shall deposit them in the state treasury for credit to the special revenue fund.

Municipalities other than the state having a contractual agreement with the commissioner for code administration and enforcement service for public buildings and state licensed facilities shall charge their customary fees, including surcharge, to be paid directly to the contractual jurisdiction by the applicant seeking authorization to construct a public building or a state licensed facility. The commissioner shall contract with a municipality other than the state for plan review, code administration, and code enforcement service for public buildings and state licensed facilities in the contractual jurisdiction if the building officials of the municipality meet the requirements of section 16B.65 and wish to provide those services and if the commissioner determines that the municipality has enough adequately trained and qualified building inspectors to provide those services for the construction project.

The commissioner shall administer and enforce the provisions of the code relating to elevators statewide, except as provided for under section 183.357, subdivision 3.

Sec. 3. Minnesota Statutes 1994, section 16B.72, is amended to read:

16B.72 REFERENDA ON STATE BUILDING CODE IN NON-METROPOLITAN COUNTIES.

Notwithstanding any other provision of law to the contrary, a county that is

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not a metropolitan county as defined by section 473.121, subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the state building code before January 1, 1977, that no part of the state building code except the building requirements for handicapped persons and the requirements for elevator safety applies within its jurisdiction.

The county board may submit to the voters at a regular or special election the question of adopting the building code. The county board shall submit the question to the voters if it receives a petition for the question signed by a number of voters equal to at least five percent of those voting in the last general election. The question on the ballot must be stated substantially as follows:

“Shall the state building code be adopted in County?”

If the majority of the votes cast on the proposition is in the negative, the state building code does not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code before January 1, 1977, except the building requirements for handicapped persons and the requirements for elevator safety do apply.

Nothing in this section precludes a municipality that did not adopt the state building code before January 1, 1977, from adopting and enforcing by ordinance or other legal means the state building code within its jurisdiction.

Sec. 4. Minnesota Statutes 1994, section 16B.73, is amended to read:

**16B.73 STATE BUILDING CODE IN MUNICIPALITIES UNDER 2,500;
LOCAL OPTION.**

The governing body of a municipality whose population is less than 2,500 may provide that the state building code, except the requirements for handicapped persons and the requirements for elevator safety, will not apply within the jurisdiction of the municipality, if the municipality is located in whole or in part within a county exempted from its application under section 16B.72. If more than one municipality has jurisdiction over an area, the state building code continues to apply unless all municipalities having jurisdiction over the area have provided that the state building code, except the requirements for handicapped persons and the requirements for elevator safety, does not apply within their respective jurisdictions. Nothing in this section precludes a municipality from adopting and enforcing by ordinance or other legal means the state building code within its jurisdiction.

Sec. 5. Minnesota Statutes 1994, section 183.351, subdivision 2, is amended to read:

Subd. 2. **PASSENGER OR FREIGHT ELEVATOR.** “Passenger or freight elevator ~~shall mean~~” means all elevators except those that comply with the safety rules of the department of ~~labor and industry~~ administration relating to construction and installation and that have automatic operation or continuous pressure operation.

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Sec. 6. Minnesota Statutes 1994, section 183.351, subdivision 5, is amended to read:

Subd. 5. **ELEVATOR.** As used in this chapter, "elevator" means moving walks and vertical transportation devices such as escalators, passenger elevators, freight elevators, dumbwaiters, handpowered elevators, endless belt lifts, and wheelchair platform lifts, but does not include external temporary material lifts; or temporary construction personnel elevators at sites of construction of new or remodeled buildings; or elevators in owner-occupied buildings of no more than four living units.

Sec. 7. Minnesota Statutes 1994, section 183.353, is amended to read:

183.353 LICENSING AUTHORITIES.

Any ~~city~~ municipality may by ordinance establish a licensing authority with jurisdiction over all passenger and freight elevators within such ~~city~~ municipality, fix the initial and renewal fee for, and the period of duration of, licenses to operate such elevators, and setting forth the requirements for applicants for and the terms and conditions of licenses to operate such elevators.

Sec. 8. Minnesota Statutes 1994, section 183.354, is amended to read:

183.354 ELEVATORS, ENTRANCES SEALED.

It shall be the duty of the department of ~~labor and industry~~ administration and the licensing authority of any ~~city~~ municipality which adopts any such ordinance whenever it finds any such elevator under its jurisdiction in use in violation of any provision of sections 183.351 to 183.355 to seal the entrances of such elevator and attach a notice forbidding the use of such elevator until the provisions thereof are complied with.

Sec. 9. Minnesota Statutes 1994, section 183.355, subdivision 1, is amended to read:

Subdivision 1. **REMOVAL OF SEAL.** No person, firm, or corporation may remove any seal or notice forbidding the use of an elevator, except by authority of the department of ~~labor and industry~~ administration or the licensing authority having jurisdiction over the elevator, or operate an elevator after a notice has been attached forbidding its use, unless the notice has been removed by authority of the department of ~~labor and industry~~ administration or the licensing authority having jurisdiction over the elevator.

Sec. 10. Minnesota Statutes 1994, section 183.355, subdivision 3, is amended to read:

Subd. 3. **MINIMUM REQUIREMENTS.** No person, firm, or corporation may construct, install, alter, remove, or repair an elevator that does not meet the minimum requirements of this chapter, adopted rules, or national codes adopted by rule.

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Sec. 11. Minnesota Statutes 1994, section 183.355, is amended by adding a subdivision to read:

Subd. 4. PENALTIES. The commissioner of administration shall administer sections 183.022 to 183.359. In addition to the remedies provided for violations of this chapter, the commissioner may impose a penalty of up to \$1,000 for a violation of any provision of sections 183.022 to 183.359.

Sec. 12. Minnesota Statutes 1994, section 183.357, subdivision 1, is amended to read:

Subdivision 1. **PERMITS.** No person, firm, or corporation may construct ~~or~~, install, alter, or remove an elevator without first filing an application for a permit with the department of ~~labor and industry administration~~ or a municipality authorized by subdivision 3 to inspect elevators. ~~Projects under actual construction before July 1, 1989, are not required to obtain a permit from the department.~~ Upon successfully completing inspection and the payment of the appropriate fee, the owner must be granted an operating permit for the elevator.

Sec. 13. Minnesota Statutes 1994, section 183.357, subdivision 3, is amended to read:

Subd. 3. **PERMISSIVE MUNICIPAL REGULATION.** A municipality that conducts a system of elevator inspection on a periodic basis in conformity with this chapter, state building code requirements, and adopted rules, and that employs or contracts with inspectors meeting the minimum requirements established by rule, may provide for the inspection of elevator installation, repair, alteration, removal, construction, and the periodic routine inspection of elevators. A municipality may not adopt standards that do not conform to the uniform standards prescribed by the department.

If a municipality does not conduct elevator inspections as provided in this chapter, or if the commissioner determines that a municipality is not properly administering and enforcing the law, rules, and codes, the commissioner shall have the inspection, administration, and enforcement undertaken by a qualified inspector employed by the department.

Sec. 14. Minnesota Statutes 1994, section 183.358, is amended to read:

183.358 RULES.

The commissioner may adopt rules for the following purposes:

(1) to set a fee under section 16A.128 for processing a construction or installation permit or elevator contractor license application;

(2) to set a fee under section 16A.128 to cover the cost of elevator inspections;

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(3) to establish minimum qualifications for elevator inspectors that must include possession of a current ~~journeyman~~ elevator constructor electrician's license issued by the state board of electricity and proof of successful completion of the national elevator ~~construction mechanic~~ industry education program examination or equivalent experience;

(4) to establish criteria for the qualifications of elevator contractors;

(5) to establish elevator standards under sections 16B.61, subdivisions 1 and 2, and 16B.64; ~~and~~

(6) to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers, and others knowledgeable in the installation, construction, and repair of elevators; and

(7) to establish requirements for the registration of all elevators.

Sec. 15. **[183.359] CONFLICT OF LAWS.**

Nothing in sections 183.022 to 183.359 supersedes the Minnesota electrical act in chapter 326.

Sec. 16. Minnesota Statutes 1994, section 326.244, subdivision 5, is amended to read:

Subd. 5. **EXEMPTIONS FROM INSPECTIONS.** Installations, materials, or equipment shall not be subject to inspection under sections 326.241 to 326.248:

~~±~~ (1) when owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326.241 to 326.248, while performing electrical maintenance work only as defined by board rule; ~~or~~

~~±~~ (2) when owned or leased, and operated and maintained by any electric, communications or railway utility or telephone company in the exercise of its utility or telephone function; and

(i) are used exclusively for the generations, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility or telephone company; and

(ii) are generally accessible only to employees of such utility or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the meter; ~~or~~

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~~3-~~ (3) when used in the street lighting operations of an electric utility; ~~or~~

4- (4) when used as outdoor area lights which are owned and operated by an electric utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction; ~~or~~

~~5-~~ (5) when the installation, material, and equipment are alarm or communication systems laid out, installed, or maintained within residential units not larger than a duplex; ~~or~~

~~6-~~ (6) when the installation, material, and equipment are in facilities subject to the jurisdiction of the federal Mine Safety and Health Act; ~~or~~

(7) when the installation, material, and equipment is part of an elevator installation for which the elevator contractor, licensed under section 326.242, is required to obtain a permit from the authority having jurisdiction as provided by section 183.357, and the inspection has been or will be performed by an elevator inspector certified by the department of administration and licensed by the board of electricity. This exemption shall apply only to installations, material, and equipment permitted or required to be connected on the load side of the disconnecting means required for elevator equipment under National Electric Code Article 620, and elevator communications and alarm systems within the machine room, car, hoistway, or elevator lobby.

Sec. 17. RENUMBERING INSTRUCTION.

The revisor shall renumber the sections of Minnesota Statutes in column A with the corresponding numbers in column B and correct references to those sections in Minnesota Statutes and Minnesota Rules.

<u>A</u>	<u>B</u>
<u>183.351</u>	<u>16B.74</u>
<u>183.022</u>	<u>16B.741</u>
<u>183.352</u>	<u>16B.742</u>
<u>183.353</u>	<u>16B.743</u>
<u>183.354</u>	<u>16B.744</u>
<u>183.355</u>	<u>16B.745</u>
<u>183.356</u>	<u>16B.746</u>
<u>183.357</u>	<u>16B.747</u>
<u>183.358</u>	<u>16B.748</u>
<u>183.359</u>	<u>16B.749</u>

Presented to the governor May 12, 1995

Signed by the governor May 15, 1995, 10:00 a.m.

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