

dustrial hygienist in training, unless the person is an industrial hygienist in training as defined in section 182A.03.

(b) A person may not use the title certified industrial hygienist, or the initials CIH, or represent to the public that the person is a certified industrial hygienist, unless the person is a certified industrial hygienist as defined in section 182A.03.

(c) A person may not use the title certified safety professional, or the initials CSP, or represent to the public that the person is a certified safety professional, unless the person is a certified safety professional as defined in section 182A.03.

(d) A person may not use the title associate safety professional, or the initials ASP, or represent to the public that the person is an associate safety professional, unless the person is an associate safety professional as defined in section 182A.03.

(e) A person may not use the title construction health and safety technologist, or the initials CHST, or represent to the public that the person is a construction health and safety technologist, unless the person is a construction health and safety technologist as defined in section 182A.03.

Subd. 2. EXCEPTIONS. Subdivision 1 does not apply to:

(1) an individual employed as an apprentice under the supervision of a certified industrial hygienist, certified safety professional, associate safety professional, construction health and safety technologist, or occupational health and safety technologist;

(2) a student of industrial hygiene or safety engaging in supervised activities related to industrial hygiene or safety;

(3) a person engaged in activities permitted under a state or local license who does not use the title or initials of, or represent to the public that the person is an industrial hygienist in training, certified industrial hygienist, certified safety professional, associate safety professional, construction health and safety technologist, or occupational health and safety technologist; or

(4) a person practicing industrial hygiene or safety, who does not use the title or initials of, or represent to the public that the person is an industrial hygienist in training, certified industrial hygienist, certified safety professional, associate safety professional, construction health and safety technologist, or occupational health and safety technologist.

Sec. 5. [182A.05] ENFORCEMENT; REMEDIES.

A violation of section 182A.04 is an unlawful practice under section 325F.69. A person who violates section 182A.04 is subject to the remedies provided in sections 325F.68 to 325F.70.

Presented to the governor March 16, 1998

Signed by the governor March 18, 1998, 11:25 a.m.

CHAPTER 289—H.F.No. 2601

An act relating to commerce; regulating lien or claim waivers and subcontractor payments in building and construction contracts; modifying the redemption period for property sold at a me-

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chanic's lien foreclosure sale; amending Minnesota Statutes 1996, section 514.15; Minnesota Statutes 1997 Supplement, section 337.10, subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1997 Supplement, section 337.10, subdivision 2, is amended to read:

Subd. 2. **WAIVER OF LIEN OR CLAIM.** Provisions contained in, or executed in connection with, a building and construction contract requiring a contractor, subcontractor, or material supplier to waive the right to a mechanics lien or to a claim against a payment bond before the person has been paid for the labor or materials or both that the person furnished are void and unenforceable. This provision shall not affect the validity of the lien ~~a~~ waiver as to any third party who detrimentally relies upon the ~~lien~~ waiver.

Sec. 2. Minnesota Statutes 1997 Supplement, section 337.10, subdivision 3, is amended to read:

Subd. 3. **PROMPT PAYMENT TO SUBCONTRACTORS.** A building and construction contract ~~must~~ shall be deemed to require the prime contractor and all subcontractors to promptly pay any subcontractor or material supplier contract within ten days of the prime contractor's receipt by the party responsible for payment of payment from the owner or owner's agent for undisputed services provided by the subcontractor party requesting payment. The contract ~~must~~ shall be deemed to require the ~~prime contractor party responsible for payment to pay interest of 1-1/2 percent per month to the subcontractor party requesting payment on any undisputed amount not paid on time to the subcontractor.~~ The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor party responsible for payment shall pay the actual penalty due to the subcontractor. A subcontractor party requesting payment. A party requesting payment who prevails in a civil action to collect interest penalties from a prime contractor party responsible for payment must be awarded its costs and disbursements, including attorney fees incurred in bringing the action. This subdivision does not apply to construction of or improvements to residential real estate as defined in section 326.83, subdivision 17, or to construction of or improvements to attached single-family dwellings, if those dwellings are used for residential purposes and have fewer than 13 units per structure.

Sec. 3. Minnesota Statutes 1996, section 514.15, is amended to read:

514.15 JUDGMENT, SALE, REDEMPTION.

The judgment shall direct a sale of the real estate or other property for the satisfaction of all liens charged thereon, and the manner of such sale, subject to the rights of all persons which are paramount to such liens or any of them. It shall require the officer making such sale to pay over and distribute the proceeds of the sale, after deducting all lawful charges and expenses, to and among the lienors to the amount of their respective claims, if there is sufficient therefor; and if there is not sufficient then to divide and distribute the same among the several lienors in proportion to the amount due to each, and without priority among themselves. If the estate sold be a leasehold having not more than two years to run, or be the interest of a vendee under an executory contract of sale the conditions whereof are to be performed within the same period, no redemption shall be allowed; in all other cases the right of redemption shall be the same as upon execution sales,

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except that the period of redemption shall be six months from the date the sale is confirmed by the court. No sale shall be deemed complete until reported to and confirmed by the court.

Sec. 4. EFFECTIVE DATES; APPLICATION.

Section 2 is effective retroactive to August 1, 1997, and applies to construction contracts entered into on or after that date.

Section 3 is effective for sales for which the first publication of the notice of sale occurs on or after August 1, 1998.

Presented to the governor March 16, 1998

Signed by the governor March 18, 1998, 11:28 a.m.

CHAPTER 290—H.F.No. 2612

An act relating to highways; designating the State Trooper Timothy J. Bowe Memorial Highway; amending Minnesota Statutes 1996, section 161.14, by adding a subdivision.

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

Section 1. Minnesota Statutes 1996, section 161.14, is amended by adding a subdivision to read:

Subd. 43. **STATE TROOPER TIMOTHY J. BOWE MEMORIAL HIGHWAY.** Marked trunk highway No. 95, from its intersection with marked trunk highway No. 65 in Cambridge to its intersection with marked interstate highway No. 35 near North Branch, is named and designated "State Trooper Timothy J. Bowe Memorial Highway." The commissioner of transportation shall adopt a suitable marking design to mark this highway and shall erect the appropriate signs, subject to section 161.139.

Presented to the governor March 16, 1998

Signed by the governor March 18, 1998, 11:28 a.m.

CHAPTER 291—S.F.No. 2230

An act relating to human rights; modifying the definition of housing for the elderly; amending Minnesota Statutes 1996, section 363.02, subdivision 2.

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

Section 1. Minnesota Statutes 1996, section 363.02, subdivision 2, is amended to read:

Subd. 2. **HOUSING.** (1) The provisions of section 363.03, subdivision 2, shall not apply to:

New language is indicated by underline, deletions by strikeout.