

(8) the directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner positions; and

(9) the signature of the land surveyor under whose direction and control the corner position was determined and a statement certifying that the United States public land survey monument record is correct and complete to the best of the surveyor's knowledge and belief.

(d) No later than one year after perpetuating or restoring the survey corner, the land surveyor shall file or record the certificate in the same manner as required under subdivision 1.

(e) A reasonable fee for professional services may be paid to the surveyor filing or recording the certificate with the respective county, on approval and determination of the fee by resolution of the county board.

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2005, and applies to corners perpetuated or restored on or after that date.

Sec. 4. Minnesota Statutes 2004, section 389.03, is amended to read:

**389.03 COMPENSATION; RECORDS.**

(a) Except as otherwise provided by law, the county board shall fix the compensation of county surveyors or their deputies, including their necessary expenses. All records of surveys are public records and must be made available by the county surveyor at all reasonable times to inspection by any person. The county board shall, at the expense of the county, provide to the county surveyor all proper and necessary files for keeping these records. The county survey records must be kept in the office of the county surveyor or of the county recorder of the county. If an office for the county surveyor is maintained in a building maintained by the county for county purposes on a full-time basis, then the records shall be kept in the office of the county surveyor.

(b) If a county closes an office of the county surveyor that the county maintained in a building maintained by the county for county purposes on a full-time basis, the county shall transfer all certificates of location of corners filed with that office under section 160.15, subdivision 4, or 381.12, subdivisions 1 and 3, to be recorded in the office of the county recorder.

**EFFECTIVE DATE.** This section is effective August 1, 2005.

Presented to the governor May 24, 2005

Signed by the governor May 27, 2005, 3:50 p.m.

**CHAPTER 100—S.F.No. 1815**

*An act relating to commerce; modifying various requirements for licensees of the*

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

*Department of Commerce; amending Minnesota Statutes 2004, sections 60K.36, subdivision 2; 60K.37, subdivision 1; 60K.38, subdivision 1; 60K.39, subdivision 3; 82.31, subdivision 5; 82B.02, by adding a subdivision; 82B.10, subdivision 4; 82B.11, subdivision 6; 82B.13, subdivisions 1, 3, 4, 5; 82B.14; 82B.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 45; 82B; repealing Minnesota Statutes 2004, section 82B.221; Minnesota Rules, part 2808.2200.*

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

**Section 1. [45.21] APPLICATION FEES.**

Subdivision 1. FEE REFUNDS. Refunds must not be given other than for overpayment of fees. Overpayment means any payment of money in excess of a statutory fee or for a license for which a person does not qualify. An overpayment of a fee must be returned upon proper application by the applicant. If an applicant requests a refund of an overpayment, the request must be received by the commissioner within six months of the date of deposit or the overpayment will be forfeited. An overpayment of a fee may be returned to the person entitled to it upon determination by the commissioner that an overpayment was made.

Subd. 2. WITHDRAWAL OF APPLICATION. An application that is incomplete is considered withdrawn if the applicant does not submit a complete application within six months of the date the application was received. The application fee is nonrefundable if an application is withdrawn according to this subdivision.

**Sec. 2. [45.22] LICENSE EDUCATION.**

(a) License education courses must be approved in advance by the commissioner. Each sponsor who offers a license education course must have at least one coordinator, approved by the commissioner, who is responsible for supervising the educational program and assuring compliance with all laws and rules. "Sponsor" means any person or entity offering approved education.

(b) For coordinators with an initial approval date before the effective date of this provision, approval will expire on December 31, 2005. For courses with an initial approval date on or before December 31, 2000, approval will expire on April 30, 2006. For courses with an initial approval date after January 1, 2001, but before the effective date of this provision, approval will expire on April 30, 2007.

Sec. 3. Minnesota Statutes 2004, section 60K.36, subdivision 2, is amended to read:

Subd. 2. EXAMINATION NOT REQUIRED. A resident individual applying for a limited lines credit insurance, title insurance, travel baggage insurance, mobile telephone insurance, or bail bonds license is not required to take a written examination.

Sec. 4. Minnesota Statutes 2004, section 60K.37, subdivision 1, is amended to read:

Subdivision 1. RESIDENT INSURANCE PRODUCER. A person is a resident of this state if that person resides in this state or the principal place of business of that

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person is maintained in this state. Application for a license claiming residency in this state constitutes an election of residency in this state. A license issued upon an application claiming residency in this state is void if the licensee, while holding a resident license in this state, obtains a resident license in, or claims to be a resident of, any other state or jurisdiction or if the licensee ceases to be a resident of this state. ~~However, if the applicant is a resident of a community or trade area, the border of which is contiguous with the state line of this state, the applicant may qualify for a resident license in this state and at the same time hold a resident license from the contiguous state.~~

Sec. 5. Minnesota Statutes 2004, section 60K.38, subdivision 1, is amended to read:

Subdivision 1. **ISSUANCE.** (a) Unless denied a license under section 60K.43, a person who has met the requirements of sections 60K.36 and 60K.37 must be issued an insurance producer license. An insurance producer may receive qualification for a license in one or more of the lines of authority in paragraphs (b) and (c).

(b) An individual insurance producer may receive qualification for a license in one or more of the following major lines:

(1) life insurance: coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;

(2) accident and health or sickness insurance: coverage for sickness, bodily injury, or accidental death, and may include benefits for disability income;

(3) property insurance: coverage for the direct or consequential loss or damage to property of every kind;

(4) casualty insurance: coverage against legal liability, including that for death, injury, or disability, or damage to real or personal property;

(5) variable life and variable annuity products insurance: coverage provided under variable life insurance contracts and variable annuities; and

(6) personal lines: property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.

(c) An individual insurance producer may receive qualification for a license in one or more of the following limited lines:

(1) limited line credit insurance;

(2) farm property and liability insurance;

(3) title insurance;

(4) travel baggage insurance;

(5) mobile telephone insurance; and

(6) bail bonds; and

(6) ~~any other line of insurance permitted under state laws or rules.~~

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

Sec. 6. Minnesota Statutes 2004, section 60K.39, subdivision 3, is amended to read:

Subd. 3. **CHANGE OF ADDRESS.** A nonresident producer who moves from one state to another state ~~or a resident producer who moves from this state to another state~~ shall file a change of address and provide certification from the new resident state within ten days of the change of legal residence. No fee or license application is required.

Sec. 7. Minnesota Statutes 2004, section 82.31, subdivision 5, is amended to read:

Subd. 5. **PERIOD FOR APPLICATION.** An applicant who obtains an acceptable score on a salesperson's examination must file an application and obtain the license within one year of the date of successful completion of the examination or a second examination must be taken to qualify for the license. ~~If a new examination is required, prelicense education must be completed in accordance with section 82.29, subdivision 8.~~

Sec. 8. Minnesota Statutes 2004, section 82B.02, is amended by adding a subdivision to read:

Subd. 16. USPAP. "USPAP" means the Uniform Standards of Professional Appraisal Practice established by the Appraisal Foundation.

**Sec. 9. [82B.095] APPRAISER QUALIFICATION COMPONENTS.**

The three components required for a real property appraiser license are education, experience, and examination. Applicants for a class of license must document that they have met at least the component criteria that were in effect at the time they completed that component.

Sec. 10. Minnesota Statutes 2004, section 82B.10, subdivision 4, is amended to read:

Subd. 4. **PERIOD FOR APPLICATION.** An applicant who obtains an acceptable score on an examination must file an application and obtain the license within ~~one year~~ two years of the date of successful completion of the examination or a second examination must be taken to qualify for the license.

Sec. 11. Minnesota Statutes 2004, section 82B.11, subdivision 6, is amended to read:

Subd. 6. **TEMPORARY PRACTICE.** (a) The commissioner shall issue a license for temporary practice as a real estate appraiser under subdivision 3, 4, or 5 to a person certified or licensed by another state if:

(1) the property to be appraised is part of a federally related transaction and the person is licensed to appraise property limited to the same transaction value or complexity provided in subdivision 3, 4, or 5;

(2) the appraiser's business is of a temporary nature; and

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(3) the appraiser registers with the commissioner to obtain a temporary license before conducting appraisals within the state.

(b) The term of a temporary practice license is the lesser of:

(1) the time required to complete the assignment; or

(2) six months, with one extension allowed.

The appraiser may request one extension of no more than six months on a form provided by the commissioner. If more than 12 months are necessary to complete the assignment, a new temporary application and fee is required.

Sec. 12. Minnesota Statutes 2004, section 82B.13, subdivision 1, is amended to read:

Subdivision 1. **REGISTERED REAL PROPERTY APPRAISER OR LICENSED REAL PROPERTY APPRAISER.** As a prerequisite for licensing as a registered real property appraiser or licensed real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has successfully completed at least 90 classroom hours of prelicense courses. The courses must consist of 75 hours of general real estate appraisal principles and ~~15 hours related to standards of professional appraisal practice and the provisions of this chapter~~ the 15-hour national USPAP course.

Sec. 13. Minnesota Statutes 2004, section 82B.13, subdivision 3, is amended to read:

Subd. 3. **COMMISSIONER'S APPROVAL; RULES.** The courses and instruction and procedures of courses must be approved by the commissioner. The commissioner may adopt rules to administer this section. These rules must, to the extent practicable, conform to the rules adopted for real estate and insurance education. The credit hours required under this section may be credited to a person for distance education courses that meet Appraiser Qualifications Board criteria.

Sec. 14. Minnesota Statutes 2004, section 82B.13, subdivision 4, is amended to read:

Subd. 4. **CERTIFIED RESIDENTIAL REAL PROPERTY APPRAISER.** As a prerequisite for licensing as a certified residential real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has successfully completed at least 120 classroom hours of prelicense courses, including 15 hours related to the standards of professional appraisal practice and the provisions of this chapter, with particular emphasis on the appraisal of one to four unit residential properties. Fifteen of the 120 hours must include successful completion of the 15-hour national USPAP course.

Sec. 15. Minnesota Statutes 2004, section 82B.13, subdivision 5, is amended to read:

Subd. 5. **CERTIFIED GENERAL REAL PROPERTY APPRAISER.** As a prerequisite for licensing as a certified general real property appraiser, an applicant

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must present evidence satisfactory to the commissioner that the person has successfully completed at least 180 classroom hours of prelicense courses, including 15 hours related to the standards of professional appraisal practice and the provisions of this chapter, with particular emphasis on the appraisal of nonresidential properties. Fifteen of the 180 hours must include successful completion of the 15-hour national USPAP course.

Sec. 16. Minnesota Statutes 2004, section 82B.14, is amended to read:

**82B.14 EXPERIENCE REQUIREMENT.**

(a) As a prerequisite for licensing as a licensed real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has obtained 2,000 hours of experience in real property appraisal.

As a prerequisite for licensing as a certified residential real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has obtained 2,500 hours of experience in real property appraisal obtained in no fewer than 24 months.

As a prerequisite for licensing as a certified general real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has obtained 3,000 hours of experience in real property appraisal obtained in no fewer than 30 months. At least 50 percent, or 1,500 hours, must be in nonresidential appraisal work.

(b) Each applicant for license under section 82B.11, subdivision 3, 4, or 5, shall give under oath a detailed listing of the real estate appraisal reports or file memoranda for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commissioner for examination, a sample of appraisal reports that the applicant has prepared in the course of appraisal practice.

(c) Applicants may not receive credit for experience accumulated while unlicensed, if the experience is based on activities which required a license under this section.

Sec. 17. Minnesota Statutes 2004, section 82B.19, subdivision 1, is amended to read:

Subdivision 1. **LICENSE RENEWALS.** A licensed real estate appraiser shall present evidence satisfactory to the commissioner of having met the continuing education requirements of this chapter before the commissioner renews a license.

The basic continuing education requirement for renewal of a license is the completion by the applicant either as a student or as an instructor, during the immediately preceding term of licensing, of at least 30 classroom hours of instruction in courses or seminars that have received the approval of the commissioner. Classroom hour credit must not be accepted for courses of less than two hours. As part of the continuing education requirements of this section, the commissioner shall require that all real estate appraisers receive at least seven hours of training each license period in courses in laws or regulations on standards of professional practice successfully

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complete the seven-hour national USPAP update course every two years. If the applicant's immediately preceding term of licensing consisted of 12 or more months, but fewer than 24 months, the applicant must provide evidence of completion of 15 hours of instruction during the license period. If the immediately preceding term of licensing consisted of fewer than 12 months, no continuing education need be reported. The credit hours required under this section may be credited to a person for distance education courses that meet Appraiser Qualifications Board criteria.

Sec. 18. **REPEALER.**

(a) Minnesota Statutes 2004, section 82B.221, is repealed.

(b) Minnesota Rules, part 2808.2200, is repealed.

Presented to the governor May 24, 2005

Signed by the governor May 27, 2005, 3:10 p.m.

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**CHAPTER 101—S.F.No. 1326**

*An act relating to natural resources; providing for an official map of state and county forest roads as an alternative recording method; proposing coding for new law in Minnesota Statutes, chapters 89; 282.*

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

**Section 1. [89.715] ALTERNATIVE RECORDING FOR STATE FOREST ROAD.**

Subdivision 1. AUTHORIZATION. The commissioner may adopt a recorded state forest road map under this section to record the department's state forest road prescriptive easements. For purposes of this section, "recorded state forest road map" means the official map of state forest roads.

Subd. 2. MAP REQUIREMENTS. The recorded state forest road map must:

- (1) show state forest roads at the time the map is adopted;
  - (2) be prepared at a scale of at least four inches equals one mile;
  - (3) include section numbers;
  - (4) include a north point arrow;
  - (5) include the name of the county and state;
  - (6) include a blank and a description under the blank for the date of public hearing and date of adoption;
  - (7) include blanks for signatures and dates of signatures for the commissioner;
- and

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