

CHAPTER 1301

DEPARTMENT OF ADMINISTRATION

BUILDING OFFICIAL CERTIFICATION

BUILDING OFFICIAL CERTIFICATION

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BUILDING OFFICIAL CERTIFICATION

1301.0100 PURPOSE.

The purpose of parts 1301.0100 to 1301.0600 is to establish procedures for certification of building officials and prerequisites for persons applying to be certified.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1301.0200 FORMS OF CERTIFICATION.

Subpart 1. **Certified building official.** A "certified building official" is a person currently identified on the certification card as a "certified building official," "building official class II," or "building official Class S." Effective July 1, 1993, all newly certified or recertified officials of these certifications must be identified as "certified building official" on the certification card. This classification is granted to a person who has met the "certified building official" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this certification may serve as the building official for any municipality.

Subp. 1a. **Grandfathered certification.** A grandfathered certification is identified with the letter "M" on the certification card. This classification was granted to a person who was serving a community as a building inspector on May 27, 1971, and continued to serve in that position through July 1, 1972. A person with this certification may only serve the community the person was serving on July 1, 1972.

Subp. 2. [Repealed, 19 SR 75]

Subp. 3. **Class I certification.** A Class I certification is identified as "Class I" on the certification card. This classification was granted to a person who met a prerequisite and passed a written examination. This classification restricts the holder to administering the code only for one- and two-family dwellings and their accessory structures. As of July 1, 1990, this class is no longer issued. Persons with this classification may continue to hold this classification by submitting evidence of fulfilling the appropriate continuing education program established by part 1301.0900, item A.

Subp. 4. [Repealed, 19 SR 75]

Subp. 5. **Certified building official-limited.** This certification is identified as "certified building official-limited" on the certification card. This classification is granted to a person who has met the "certified building official-limited" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this classification may perform code administration for one- and two-family dwellings, their accessory structures, and "exempt classes of buildings" as provided in part 1800.5000 of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture rules, as well as "facilities for the handicapped" provisions in chapter 1340 of the Minnesota State Building Code. Code administration for all other buildings must be performed by a certified building official as defined in subpart

1. However, the certified building official-limited may conduct inspections at the direction of a certified building official or the state building inspector.

Subp. 6. **Accessibility specialist.** This certification is identified as "accessibility specialist" on the certification card. This certification is granted to a person who has met the "accessibility specialist" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this classification is limited to the administration of those provisions of the Minnesota State Building Code which provide access for persons with disabilities.

Use of this certification is restricted to municipalities that according to Minnesota Statutes, sections 16B.72 and 16B.73, do not administer the code. If a municipality adopts the Minnesota State Building Code, the responsibilities for code administration and enforcement are under the authority of the certified building official or the certified building official-limited.

Statutory Authority: *MS s 16B.61; 16B.65*

History: *15 SR 74; 19 SR 75*

1301.0300 CERTIFICATION PREREQUISITES.

Prior to making application for certification as a certified building official, a person shall accumulate a minimum of 100 points from the categories in items A to C.

Prior to making application for certification as a certified building official-limited, a person shall accumulate a minimum of 30 points from categories in items A to C and attend the course specified by the state building inspector.

Prior to making application for certification as an accessibility specialist, a person shall attend the course specified by the state building inspector.

A. Education: BI/BIT refers to building inspection technology programs offered in the community college system. Points shall be awarded as follows for successful completion of the program or courses listed:

- (1) BI/BIT AAS degree, 100 points;
- (2) BI/BIT certificate, 60 points;
- (3) BI/BIT code-related courses:

(a) field inspection, nonstructural plan review, building department administration, and building codes and standards, 20 points total for all four courses; zero points if any of the courses in this unit have not been successfully completed;

(b) upon successful completion of the courses named in unit (a), additional BI/BIT building code courses, four points each up to a maximum accumulation of 40 points;

(4) postsecondary courses in building construction, building construction-oriented architecture or engineering, or public administration, one point each up to a maximum accumulation of 30 points;

(5) an associate's degree in building construction, building construction-oriented architecture or engineering, or public administration, 30 points;

(6) a bachelor's degree in building construction-oriented architecture or engineering, 60 points. If points are claimed in this category, additional points may not be claimed in subitem (4) or (5).

B. Certifications: Points shall be awarded for certifications obtained as follows:

- (1) Council of American Building Officials building officials examination:
 - (a) administration, 35 points;
 - (b) law, 30 points;
 - (c) technology, 35 points;
- (2) International Conference of Building Officials examination:
 - (a) building inspector, 40 points;
 - (b) plans examiner, 60 points;

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(3) Minnesota Class I certification, 40 points;

(4) Minnesota certified building official-limited certification, 50 points.

C. Experience: Points shall be awarded for experience obtained as follows:

(1) municipal building code inspection or plan review experience under the supervision of a currently certified building official, 20 points each year up to a maximum accumulation of 80 points;

(2) experience in the design of buildings or in the construction of buildings with specific skilled participation in the assembly of foundations, superstructures, or installation of the building's mechanical systems, ten points per year up to a maximum accumulation of 30 points.

D. Other education, certifications, and experience relating to the field of the construction industry that is not enumerated in items A to C must be given credit as determined by the state building inspector based on comparison with the prerequisites in items A to C.

Statutory Authority: *MS s 16B.61; 16B.65*

History: *15 SR 74; 19 SR 75*

1301.0400 APPLICATION FOR CERTIFICATION.

A person seeking certification shall submit a completed application to the state building inspector on an application form provided by the commissioner, along with a nonrefundable \$70 fee payable to the state treasurer. The state building inspector shall review applications for compliance with prerequisites in part 1301.0300. If the prerequisites are satisfied, the state building inspector shall forward the approved application to the Department of Employee Relations for scheduling the applicant to take the applicable examination.

Statutory Authority: *MS s 16B.61; 16B.65*

History: *15 SR 74; 19 SR 75*

1301.0500 EXAMINATION.

A. An examination must be given by the Department of Employee Relations under the rules of that department, consistent with Minnesota Statutes, section 16B.65, subdivision 3.

B. If the applicant fails the examination or fails to appear, the applicant shall be permitted to retake the examination or be scheduled for a second administration of the examination at least 30 calendar days after notification of the test results.

C. If the applicant fails the examination a second time or fails to appear for a second scheduled administration, the applicant shall wait six months and then may resubmit an application under part 1301.0400.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1301.0600 EDUCATION AND TRAINING.

Within limitations of personnel and funds, the state building inspector shall provide training programs for municipal building officials, legislative bodies, administrative staff persons, design professionals, the construction industry, and the general public.

Information concerning available training programs may be obtained from the state building inspector by written or telephone inquiry.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

CONTINUING EDUCATION

1301.0700 AUTHORITY; PURPOSE.

Parts 1301.0700 to 1301.1200 establish the guidelines for building official, building official-limited, and accessibility specialist certification maintenance under Minnesota Statutes, section 16B.65, subdivision 7.

Statutory Authority: *MS s 16B.61; 16B.65*

History: *15 SR 74; 19 SR 75*

1301.0800 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1301.0700 to 1301.1200.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 3. **Continuing education unit.** "Continuing education unit" means ten hours of educational instruction.

Subp. 4. **State building inspector.** "State building inspector" means the director of the Building Codes and Standards Division of the Department of Administration.

Subp. 5. **Unit of instruction.** "Unit of instruction" means three hours of structured educational participation in a program listed in part 1301.1000.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1301.0900 UNITS OF INSTRUCTION REQUIRED.

This part establishes the number of units of instruction required within a three-year period to maintain certification.

A. A Class I certified building official must receive credit for 18 units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2.

B. A grandfathered certified building official must receive credit for 24 units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2.

C. A certified building official must receive credit for 24 units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2.

D. A certified building official-limited must in each year for the first three-year period in which the certification is obtained, receive credit for eight units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2. Credit for instruction must be reported yearly for the first three-year period by the method described in part 1301.1100. Thereafter, a certified building official-limited must receive 24 units of instruction through any of the programs described in part 1301.1100, subpart 1 or 2.

E. An accessibility specialist must receive credit for 12 units of instruction through any of the programs described in part 1301.1000, subpart 1 or 2. Six of the 12 units must be courses relating to building accessibility.

Statutory Authority: *MS s 16B.61; 16B.65*

History: *15 SR 74; 19 SR 75*

1301.1000 CREDIT FOR INSTRUCTION.

Subpart 1. **Approved programs.** The following programs are approved for the indicated number of units of instruction:

A. annual Building Official Institute of Minnesota, two units per day of attendance;

B. Minnesota State Building Codes and Standards Division seminars, 2.5 units per day of attendance;

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C. International Conference of Building Officials seminars, three units per continuing education unit earned;

D. International Conference of Building Officials annual education and code development conference, two units per day of attendance;

E. State International Conference of Building Officials chapter meetings, one unit per meeting with a minimum three-hour educational program;

F. regional building official meetings, one unit per meeting with a minimum three-hour educational program;

G. area building official luncheon meetings, 0.25 unit per meeting;

H. community college building inspection technology and related courses, three units per credit earned;

I. area vocational technical training institute courses in construction, management, or supervision, one unit per three hours of instruction or related shop work;

J. certification in an International Conference of Building Officials certification program taken after January 1, 1985, four units per certificate;

K. certification as a certified building official by the Council of American Building Officials after January 1, 1985, six units;

L. teaching a course at the community college level in the building inspection technology program or a course at a technical college, one unit per three hours of instruction; and

M. maintenance of an International Conference of Building Officials certification, one unit.

Subp. 2. **Other courses.** Courses offered by other states, correspondence schools, universities, or other institutes of learning that offer building code administration and enforcement-related courses must be considered on an individual basis. Each building official must prearrange for unit approval with the state building inspector to receive credit. Units must be approved on the basis of comparison with the items in subpart 1.

Subp. 3. **Mandatory courses.** The state building inspector shall require that specific courses be taken, if necessary, to insure continuing education in relevant code application, administration, or enforcement practices. The requirements may include training courses when new codes or legislative mandates are adopted.

Subp. 4. **Credit for repeat of courses.** Credit for an educational offering will be allowed only once during a three-year cycle.

Subp. 5. **Review of courses.** All continuing education courses are subject to periodic review and evaluation by the commissioner or the commissioner's agent.

Statutory Authority: *MS s 16B.61; 16B.65*

History: *15 SR 74; L 1989 c 246 s 2; 19 SR 75*

1301.1100 REQUIREMENTS FOR RECERTIFICATION.

Subpart 1. **Submission of information.** Each person certified under this chapter must provide evidence to the state building inspector on forms approved by the state building inspector and provided by the Building Codes and Standards Division of attendance or participation in an educational offering and indicate the number of units of instruction earned.

The information must be submitted to the state building inspector before the last day of the third calendar year following the date of the last certification issued.

Subp. 2. **Certificate of renewal.** The commissioner shall issue a certificate of renewal, valid for three years, to each applicant who has provided the evidence of units of instruction earned within the time indicated in subpart 1 and has submitted the \$20 renewal fee.

Subp. 3. **Extension of time for compliance.** The state building inspector may grant an extension of time for compliance with parts 1301.0700 to 1301.1200 if the person requesting the extension of time shows cause for the extension. The extension does not

relieve the building official from complying with the continuing education requirements for the immediate subsequent three-year period.

Subp. 4. **Reinstatement of certificate.** A building official who has let certification lapse must be reinstated based on proof of earning continuing educational units, as required, if no more than three years has passed since the certification has lapsed or since taking the test provided for certification as a building official. In either case, the appropriate fee must be submitted with the application.

Statutory Authority: *MS s 16B.61; 16B.65*

History: *15 SR 74; 19 SR 75*

1301.1200 REMOVAL FROM OFFICE AND REVOCATION OF CERTIFICATION.

Under Minnesota Statutes, section 16B.65, subdivision 5, upon notice and hearing, a building official certified under this chapter may be removed from office and have the certification revoked if competent evidence is submitted to the commissioner indicating that a building official has consistently failed to act in the public interest in performance of duties. A hearing must be held pursuant to Minnesota Statutes, chapter 14, governing contested case proceedings.

Statutory Authority: *MS s 16B.61; 16B.65*

History: *15 SR 74; 19 SR 75*