

### CHAPTER 326

#### EMPLOYMENTS LICENSED BY STATE BOARDS

##### 326.01 DEFINITIONS.

Subd. 4, amended by L. 1947 c. 253 s. 1.

Commerce clause as limit on state's power to levy license taxes. 18 MLR 890.

Reciprocal and retaliatory legislation in the American states. 21 MLR 371.

List of licensed employments in several northwestern states. 21 MLR 376.

#### ARCHITECTS, ENGINEERS, AND SURVEYORS

##### 326.02 REGISTRATION OF ARCHITECTS, ENGINEERS, AND SURVEYORS.

If an alleged contract is so uncertain and incomplete as to any of its essential terms that it cannot be carried into effect without new and additional stipulations between the parties, it is not a valid agreement. Conversations between plaintiffs and defendant as to the securing and performance of a contract with the federal government for architectural and engineering services in connection with its military construction program is in the instant case so incomplete and indefinite that the parties failed to make a binding contract. *Druar v Ellerbe & Co.* 222 M 383, 24 NW(2d) 820.

In constructing a recreation hall on county fair grounds it is not compulsory that an architect be engaged. OAG July 8, 1941 (10-A-3).

In a contract between a city planning firm and a Minnesota city the question whether the plans furnished constitute the practice of professional engineering within the provisions of section 326.02, subdivision 3, is a question of fact. OAG Oct. 25, 1945 (10-A-3).

Liability for loss caused by defects in plans and specifications. 21 MLR 70.

##### 326.03 REGISTRATION REQUIRED.

A county is not required to employ an architect when building a garage and shop but if it does employ anyone to prepare plans and specifications or supervise the work a person must be qualified under section 326.03. OAG March 2, 1943 (10-A).

A registered "municipal engineer" may not practice as a land surveyor in laying out new streets. OAG Sept. 27, 1943 (10-A).

##### 326.04 STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND SURVEYORS.

The character of the services to be performed determines whether or not the particular contract for city planning requires the services of a registered engineer. OAG Oct. 25, 1945 (10-a-3).

##### 326.09 RECORDS AND REPORTS OF BOARD.

Reciprocal and retaliatory legislation. 21 MLR 371, 407.

##### 326.10 CERTIFICATES OF REGISTRATION.

A civilian registrant upon his return to the United States has six months within which to pay his registration fee and renew his license. OAG June 18, 1943 (10-A-3).

# MINNESOTA STATUTES 1947 ANNOTATIONS

779

EMPLOYMENTS LICENSED BY STATE BOARDS 326.262

## **326.14 CORPORATIONS AND PARTNERSHIPS MAY ENGAGE IN SUCH BUSINESS.**

Under L. 1921, c. 533, s. 14, as amended by L. 1933, c. 404, the city of Austin may make a contract with a corporation or partnership for engineering work even though no officer or director of the corporation or no member of the partnership may be a registered engineer, provided the work is carried on under the responsible charge of a registered engineer employed by the corporation or partnership. 1944 OAG 246, May 26, 1943 (10-A).

A corporation cannot be appointed engineer in a drainage proceeding. The appointee must be an individual. OAG March 8, 1945 (148-A-10).

## ACCOUNTANTS

### **326.17 STATE BOARD OF ACCOUNTANCY.**

Liability to third persons for negligent certification of public accountants. 15 MLR 355.

Accounting under the British company law. 30 MLR 587.

### **326.18 BOARD, DUTIES, OFFICERS, EXAMINATIONS, ANNUAL REPORT.**

The board may employ assistance to grade examination papers. OAG May 22, 1946 (882-J).

### **326.19 CERTIFICATES, TO WHOM GRANTED.**

Amended by L. 1947 c. 31 s. 1.

Liability to third persons for negligent certification of public accountants. 15 MLR 355.

Validity to practice accounting. 17 MLR 324.

Reciprocal and retaliatory legislation. 21 MLR 376, 407.

**326.20** An applicant applying for admission from another state must meet the same requirements and qualifications as are required by Minnesota applicants or at least must possess equivalent qualifications. OAG Dec. 12, 1945 (882-i).

## ELECTRICIANS

### **326.24 STATE BOARD OF ELECTRICITY.**

Amended by L. 1947 c. 253 s. 2.

### **326.25 ELECTRICAL CONTRACTOR; JOURNEYMAN OR SPECIAL ELECTRICIAN; LICENSES; TEMPORARY PRACTICE.**

Amended by L. 1947 c. 253 s. 3.

### **326.26 BOND OF MASTER ELECTRICIAN; QUALIFICATIONS AND LICENSING OF MASTER, JOURNEYMEN, AND SPECIAL ELECTRICIANS; FEES.**

Amended by L. 1947 c. 253 s. 4.

### **326.261 MASTER ELECTRICIAN, CLASS B.**

HISTORY. 1947 c. 253 s. 5.

### **326.262 JOURNEYMEN ELECTRICIAN, CLASS B.**

HISTORY. 1947 c. 253 s. 6.

# MINNESOTA STATUTES 1947 ANNOTATIONS

## 326.263 EMPLOYMENTS LICENSED BY STATE BOARDS

780

### 326.263 APPLICATION TO PROVISIONS OF SECTIONS 326.24 TO 326.32.

HISTORY. 1947 c. 253 s. 7.

### 326.27 ADDITIONAL FEES AFTER PASSING EXAMINATIONS.

Amended by L. 1947 c. 253 s. 8.

### 326.31 SECOND EXAMINATION; REVOCATION OF LICENSE; HEARING; APPEAL.

Amended by L. 1947 c. 253 s. 9.

### 326.32 COMPLIANCE WITH RULES; ELECTRICAL AND SAFETY CODES AS EVIDENCE; MUNICIPAL REQUIREMENTS; CERTIFICATE OF INSPECTION; PENALTY.

Amended by L. 1947 c. 253 s. 10.

## PRIVATE DETECTIVES

### 326.331 PRIVATE DETECTIVES; LICENSES.

The secretary of state after due hearing may deny an application under section 326.331 for the following reasons: "(1) that the applicant is not a citizen of the United States, or (2) that he has been convicted of a felony by the courts of this or any other state or of the United States, or (3) that he has been convicted anywhere of acts which if done in Minnesota, would be assault, duress, larceny, unlawful entry, extortion, defamation, buying or receiving stolen property, using, possessing or carrying weapons or burglar's tools or escape, or (4) who has been convicted in any other country of acts which if done in Minnesota would be felonies or would be any of the other offenses specified above, or (5) has made a false statement in the application for license." OAG Nov. 7, 1945 (876-B).

A corporation of a state other than Minnesota who is licensed to do business in this state may employ persons, not licensed as detectives, to check the attendance at Minnesota theaters where their films are produced. OAG Oct. 22, 1946 (876-B).

### 326.334 FEES.

Where there is a hearing on an application for a detective's license the expense may be borne by the state. OAG Jan. 25, 1946 (876-B).

The attorney general when a question arises on an application for a detective's license will give full consideration and accord a fair hearing to persons who may be interested in the granting of the registration. OAG Feb. 6, 1946 (876-B).

### 326.337 UNLAWFUL ACTS.

The duty of prosecuting under section 326.337 is not imposed upon the secretary of state. OAG Feb. 1, 1946 (385-A-4).

### 326.338 PRIVATE DETECTIVE DEFINED.

Newspapers in search of information or news are not required to post a bond or obtain a license under 326.338. OAG June 4, 1945 (876-B).

## PLUMBERS

### 326.37 PLUMBERS; SUPERVISION BY STATE BOARD OF HEALTH.

Since the requirements of daily deposit by the department of health of cash receipts is mandatory, refunds may be made by authority of L. 1943, c. 654 (section 6.135), in instances where the department is unable to ascertain until after the de-

# MINNESOTA STATUTES 1947 ANNOTATIONS

781

EMPLOYMENTS LICENSED BY STATE BOARDS 326.55

posit that the record requested to be certified is not contained in the department files. 1944 OAG 273, Jan. 15, 1944 (454-E).

Under certain conditions persons not having a plumber's license may make connection with water pipes for the purpose of adding water softener or refrigerated cooling system. OAG Oct. 24, 1946 (338-A).

Installing and connecting hot water heaters to the distributory system, which involves cutting existing waterpipes, constitutes plumbing, and the work must be done by a licensed plumber. OAG March 31, 1937 (338-a).

## **326.38 CITIES OR VILLAGES MAY ADOPT LOCAL REGULATIONS; STATE LICENSE TO CONTROL.**

A city may require a separate bond for each construction permit or in the discretion of the city council may require an annual bond. OAG May 7, 1946 (338-A).

## WATCHMAKERS

### **326.54 WATCHMAKERS TO BE REGISTERED.**

A storekeeper or tradesman who has no certificate of registration may accept a watch but if in so doing he holds himself out as qualified to do watchmaking he is guilty of a misdemeanor. OAG Feb. 26, 1946 (499).

#### **326.541 BOARD OF EXAMINERS IN WATCHMAKING.**

Amended by L. 1947 c. 620 s. 1.

The certificate of registration of one engaged in the business of watchmaker must be displayed in his "place of business," but there is nothing to prohibit the watchmaker from establishing his place of business in his home. OAG May 21, 1947 (499).

#### **326.542 EXAMINATIONS; FEES.**

Amended by L. 1947 c. 620 s. 2.

#### **326.543 EXAMINATIONS; RE-EXAMINATIONS.**

A person who submits an application for a watchmaker's license within six months after the enactment of 326.54 et seq. may in the discretion of the board if satisfied the applicant is a competent watchmaker grant the applicant a certificate of application without examination. OAG Aug. 16, 1946 (499).

L. 1947, c. 620, does not exclude the state board of examiners in watchmaking from the provisions of the reorganization act. OAG July 16, 1947 (499).

#### **326.544 CERTIFICATES OF REGISTRATION.**

Amended by L. 1947 c. 620 s. 3.

### **326.55 RENEWALS OF LICENSES AND CERTIFICATES OF REGISTRATION BY PERSONS IN ARMED FORCES AND CERTAIN PERSONS OUTSIDE OF THE UNITED STATES.**

A licensee who is in the military service or other essential war service may pay his fees and renew his license. OAG Oct. 18, 1943 (188-C).

Upon his return to the United States a civilian registrant may renew his license and pay the fee within six months after his return. OAG June 18, 1943 (10-A-3).

Registered nurses employed by the United Nations Relief and Rehabilitation Service are required to register. OAG March 22, 1946 (905-E).