

## CHAPTER 299M

## FIRE PROTECTION INDUSTRY LICENSING

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**299M.01 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them in this section:

Subd. 2. **Apprentice sprinkler fitter.** "Apprentice sprinkler fitter" means a person, other than a fire protection contractor or journeyman sprinkler fitter, who is regularly engaged in learning the trade under the direct supervision of a licensed fire protection contractor or journeyman sprinkler fitter and is registered with a state or federal approval agency.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subd. 4. **Council.** "Council" means the Minnesota advisory council on fire protection systems.

Subd. 5. **Department.** "Department" means the department of public safety.

Subd. 6. **Fire protection contractor.** "Fire protection contractor" means a person who contracts to sell, design, install, modify, alter, or inspect a fire protection system or its parts or related equipment.

Subd. 7. **Fire protection system.** "Fire protection system" means a sprinkler, standpipe, hose system, or other special hazard system for fire protection purposes only, that is composed of an integrated system of underground and overhead piping connected to a water source. "Fire protection system" does not include the water service piping to a city water main, or piping used for potable water purposes, or piping used for heating or cooling purposes. Openings from potable water piping for fire protection systems must be made by persons properly licensed under section 326.40. Persons properly licensed under section 326.40 may also sell, design, install, modify or inspect a standpipe, hose system only.

Subd. 8. **Journeyman sprinkler fitter.** "Journeyman sprinkler fitter" means a person who is certified as competent to engage in installing, connecting, altering, repairing, or adding to a fire protection system for and under the supervision of a fire protection contractor.

Subd. 9. **Municipality.** "Municipality" means a town or statutory or home rule charter city.

**History:** 1992 c 508 s 1; 1998 c 367 art 11 s 10

**299M.02 FIRE PROTECTION ADVISORY COUNCIL.**

Subdivision 1. **Creation.** The commissioner shall establish a fire protection advisory council.

Subd. 2. **Membership.** The council consists of the commissioner of public safety, or the commissioner's designee, and eight members appointed for a term of three years by the commissioner. Two members must be licensed fire protection contractors or full-time, managing employees actively engaged in a licensed fire protection contractor business. Two members must be journeyman sprinkler fitters certified as competent under this chapter. One member of the council must be an active member of the Minnesota State Fire Chiefs Association. One member must be an active member of the Fire Marshals Association of Minnesota. One member must be a building official certified by the department of administration, who is professionally competent in fire protection system inspection. One member must be a member of the general public. The commissioner or designee is a nonvoting member.

Subd. 3. **Duties.** The council shall advise the commissioner of public safety on matters within the council's expertise or under the regulation of the commissioner.

**History:** 1992 c 508 s 2; 1998 c 367 art 11 s 11

**299M.03 LICENSE OR CERTIFICATE REQUIRED.**

Subdivision 1. **Contractor license.** Except for residential installations by the owner of an occupied one- or two-family dwelling, a person may not sell, design, install, modify, or inspect a fire protection system, its parts, or related equipment, or offer to do so, unless annually licensed to perform these duties as a fire protection contractor. No license is required under this section for a person licensed as a professional engineer under section 326.03 who is competent in fire protection system design or a person licensed as an alarm and communication contractor under section 326.2421 for performing activities authorized by that license.

Subd. 2. **Journeyman certificate.** Except for residential installations by the owner of an occupied one- or two-family dwelling, a person may not install, connect, alter, repair, or add to a fire protection system, under the supervision of a fire protection contractor, unless annually certified to perform those duties as a journeyman sprinkler fitter or as a registered apprentice sprinkler fitter. This subdivision does not apply to a person altering or repairing a fire protection system if the system uses low pressure water and the system is located in a facility regulated under the federal Mine Occupational Safety and Health Act.

**History:** 1992 c 508 s 3; 1995 c 265 art 2 s 27; 1998 c 367 art 11 s 12, 13

**299M.04 RULES; FEES; ORDERS; PENALTIES.**

The commissioner shall adopt permanent rules for operation of the council; regulation by municipalities; permit, filing, inspection, certificate, and license fees; qualifications, examination, and licensing of fire protection contractors; certification of journeyman sprinkler fitters; registration of apprentices; and the administration and enforcement of this chapter. Fees must be set under section 16A.1285. Permit fees must be a percentage of the total cost of the fire protection work.

The commissioner may issue a cease and desist order to cease an activity considered an immediate risk to public health or public safety. The commissioner shall adopt permanent rules governing when an order may be issued; how long the order is effective; notice requirements; and other procedures and requirements necessary to implement, administer, and enforce the provisions of this chapter.

The commissioner, in place of or in addition to licensing sanctions allowed under this chapter, may impose a civil penalty not greater than \$1,000 for each violation of this chapter or rule adopted under this chapter, for each day of violation. The commissioner shall adopt permanent rules governing and establishing procedures for implementation, administration, and enforcement of this paragraph.

**History:** 1992 c 508 s 4; 1996 c 305 art 3 s 31; 1998 c 367 art 11 s 14

**299M.05 [Repealed, 1998 c 367 art 11 s 27]****299M.06 REVOCATION, SUSPENSION, REFUSAL.**

The commissioner may revoke, suspend, or refuse to issue or renew a license or certificate issued under this chapter. Any person aggrieved by the commissioner's action may request a hearing before the commissioner. The provisions of sections 14.57 to 14.69 apply to the hearing and to any subsequent proceedings.

**History:** 1992 c 508 s 6

**299M.07 MUNICIPAL REGULATION.**

A municipality by ordinance may require payment of permit fees for competent inspection of fire protection systems.

A municipality enacting an ordinance after July 1, 1992, shall notify the commissioner of public safety.

A municipality may not require licensing, certification, registration, bonding, or insurance that is in addition to the state requirements outlined under this chapter.

**History:** 1992 c 508 s 7

**299M.08 MISDEMEANOR.**

It is a misdemeanor for any person to intentionally commit or direct another person to commit either of the following acts:

(1) to make a false statement in a license application, request for inspection, certificate, or other form or statement authorized or required under this chapter; or

(2) to perform fire protection system work without a proper permit, when required, or without a license or certificate for that work.

**History:** 1992 c 508 s 8; 1998 c 367 art 11 s 15

#### **299M.09 AUTHORITY TO CONTRACT.**

The commissioner may contract for services with local units of government.

**History:** 1992 c 508 s 9

#### **299M.10 MONEY CREDITED TO GENERAL FUND.**

The fees and penalties collected under this chapter, except as provided in section 299M.07, must be deposited in the state treasury and credited to the general fund. Money received by the state fire marshal division in the form of gifts, grants, reimbursements, or appropriation from any source for the administration of this chapter must also be deposited in the state treasury and credited to the general fund.

**History:** 1992 c 508 s 10

#### **299M.11 FEES.**

Subdivision 1. **Licensing fee.** A person required to be licensed under section 299M.03, subdivision 1, shall, before receipt of the license and before causing fire protection-related work to be performed, pay the commissioner an annual license fee.

Subd. 2. **Certification fee.** Employees required to be certified under section 299M.03, subdivision 2, shall, before performing fire protection-related work, pay the commissioner an annual certification fee.

Subd. 3. **Registration fee.** Employees required to be registered under section 299M.03, subdivision 2, shall, before performing fire protection-related work, pay the commissioner an annual registration fee.

Subd. 4. **Surcharge fee.** Before beginning fire protection-related work, a fire protection contractor shall pay a project surcharge fee to the commissioner based on a percentage of the total costs of the fire protection-related work.

Subd. 5. **Deposit of fees.** Fees collected under this section must be deposited in the state treasury and credited to the general fund.

**History:** 1992 c 508 s 11

#### **299M.12 CONFLICTS OF LAWS.**

This chapter is not intended to conflict with and does not supersede the Minnesota State Building Code or the Minnesota Uniform Fire Code.

**History:** 1992 c 508 s 12; 1998 c 367 art 11 s 16