

CHAPTER 7512
DEPARTMENT OF PUBLIC SAFETY
FIRE PROTECTION SYSTEMS, PERSONNEL

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7512.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7512.0100 to 7512.2800 have the meanings given them in this part and in Minnesota Statutes, section 299M.01.

Subp. 2. **Authority having jurisdiction.** "Authority having jurisdiction" means the governmental organization, office, or individual responsible for approving equipment and installation or a procedure.

Subp. 3. **Board member.** "Board member" means a director in a corporation and a governor in a limited liability company.

Subp. 4. **Building code.** "Building code" means the Minnesota State Building Code adopted pursuant to Minnesota Statutes, section 326B.106, subdivision 1, and includes future amendments to the building code.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of public safety, acting directly or through the state fire marshal and other authorized agents.

Subp. 6. **Days.** "Days" means calendar days when referring to the amount of time when the performance or doing of any act, duty, matter, payment, or thing is ordered, directed, or prescribed. A period of time measured in days, except as otherwise provided, must be computed so as to exclude the first and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on a Saturday, Sunday, or legal holiday, that day must be omitted from the computation.

Subp. 7. **Federal approval agency.** "Federal approval agency" means the United States Department of Labor, Bureau of Apprenticeship and Training.

Subp. 8. **Fire code.** "Fire code" means the Minnesota Uniform Fire Code adopted pursuant to Minnesota Statutes, section 326B.02, subdivision 6, and includes future amendments to the fire code.

Subp. 9. **Fire protection-related work.** "Fire protection-related work," when applied to a licensed fire protection contractor, means the sale, design, installation, modification, or inspection of a fire protection system, its parts, or related equipment, or the offer to do so. Fire protection-related work, when applied to a journeyman sprinkler fitter or an apprentice sprinkler fitter, means the installation, connection, alteration, repair, or addition to a fire protection system.

Subp. 10. **Inspect or inspection.** "Inspect" or "inspection" means conducting a final acceptance test; trip test of dry pipe, deluge, or preaction valves; or a test that an authority having jurisdiction requires to be conducted under the supervision of a contractor.

Subp. 11. **Officer.** "Officer" means an officer of a corporation and a manager of a limited liability company.

Subp. 12. **Owner.** "Owner" means the sole proprietor of a sole proprietorship, a partner in a partnership, a shareholder holding an interest of five percent or more in a corporation, and a member holding an interest of five percent or more in a limited liability company.

Subp. 13. **Potable water source.** "Potable water source" means a gravity tank, fire pump, reservoir or pressure tank, well, city main, or any combination of these that provides a reliable, constant, and sufficient supply of water capable of being used for human consumption.

Subp. 14. **State approval agency.** "State approval agency" means the Department of Labor and Industry or a state agency in Minnesota or another state if the commissioner determines that the state agency approves training programs and monitors apprentice or trainee progress in a manner comparable to that done by the Department of Labor and Industry or by the United States Department of Labor, Bureau of Apprenticeship and Training.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2007 c 140 art 3 s 6; art 4 s 61; art 13 s 4*

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7512.0200 PURPOSE.

The purpose of parts 7512.0100 to 7512.2800 is to provide fire protection (sprinkler and standpipe) system rules relating to persons who sell, design, inspect, install, modify, alter, add to, repair, or connect the systems to ensure readiness intended for protecting life and property from fire and relating to the administration and enforcement of Minnesota Statutes, chapter 299M.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.0300 SCOPE; EFFECTIVE DATE.

Parts 7512.0100 to 7512.2800 are intended to be consistent with Minnesota Statutes, chapter 299M. Parts 7512.0100 to 7512.2800 govern 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 parts 7512.0100 to 7512.2800 and Minnesota Statutes, chapter 299M.

The effective date of parts 7512.0100 to 7512.2800 is February 21, 1994. A person who submits satisfactory proof to the commissioner of actively engaging in full-time fire protection system installation as a fire protection contractor for a period of five years before February 21, 1994, and who applies for a license on or before April 21, 1994, is eligible for licensure without examination until February 21, 1996. A person who submits satisfactory proof to the commissioner of actively engaging in full-time fire protection systems installation as a sprinkler fitter for a period of five years before February 21, 1994, and who applies for a certificate on or before February 21, 1994, is eligible for certification without examination until February 14, 1996. A person who is exempt from examination for the two-year period, fulfills all other requirements under this chapter and under Minnesota Statutes, chapter 299M, and pays the required annual fee must be granted the appropriate license or certificate. A person who is exempt from examination by this part must pass the examination by February 21, 1996, or surrender the license or certificate. A license or certificate obtained without examination is not renewable on or after February 21, 1996, until the appropriate examination is passed.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

FIRE PROTECTION CONTRACTOR**7512.0400 CONTRACTOR LICENSE REQUIRED; EXCEPTIONS.**

Subpart 1. **License required.** Except as provided in subpart 2, a person must have a fire protection contractor license to perform fire protection-related work.

Subp. 2. **Exceptions.** A person does not need a fire protection contractor license for the following activities:

A. A person does not need a contractor license to sell fire protection system parts or related equipment to a licensed contractor.

B. A person does not need a contractor license to install or service a special agent fire suppression system that is not connected to a potable water source. A special agent fire suppression system uses extinguishing agents other than water and includes such systems as dry chemical systems, carbon dioxide systems, halogenated and gaseous agent systems, foam systems, and wet chemical systems.

C. A person does not need a contractor license when acting in an official capacity as a building official, fire official, or insurance inspector.

D. A person licensed as a plumber under Minnesota Statutes, section 326B.46, does not need a contractor license to sell, design, install, modify, or inspect a standpipe or hose system only.

E. A person licensed as a professional engineer under Minnesota Statutes, section 326.03, who is competent in fire protection system design does not need a contractor license to perform activities authorized by the professional engineer license.

F. A person licensed as an alarm and communication contractor under Minnesota Statutes, section 326B.34, or a Minnesota-licensed electrical contractor under Minnesota Statutes, section 326B.33, does not need a fire protection contractor license to perform activities authorized by the alarm and communication contractor license or electrical contractor license.

G. A person does not need a contractor license to maintain a fire protection system. For purposes of this item, "maintain" means the scheduled activities to keep a fire protection system operable. Maintain also means to make emergency repairs to correct an emergency impairment of a fire protection system, until such time as permanent repairs can be done by a licensed fire protection contractor.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2007 c 140 art 5 s 32; art 6 s 15; art 13 s 4*

Published Electronically: *November 8, 2006*

7512.0500 INITIAL APPLICATION FOR CONTRACTOR LICENSE.

Subpart 1. **Contents of application.** An initial application for a fire protection contractor license must be on a form provided or approved by the commissioner and must meet the following requirements:

A. The application must contain the name, address, and telephone number of the applicant. The application must also contain each additional name and address that the applicant will use to conduct business transactions.

B. The application must indicate whether the applicant is an individual, partnership, corporation, or limited liability company. The application must also list each owner, officer, and board member.

C. The application must give the name of the managing employee for the contractor.

D. The application must contain the full name, date of birth, and driver's license number of each person named on the application. If a person does not have a driver's license, the application must contain the identification card number of that person. If a person's driver's license or identification card was issued by another state or country, the application must list the name of the state or country.

E. The application must contain a history of fire protection contractor licensure of each person, partnership, corporation, and limited liability company named on the application. The history must be of each license applied for or issued by Minnesota or by another jurisdiction and must include the issuance and expiration dates of the license. If the jurisdiction refused to issue, revoked, or suspended a license, the history must give the date and the reason.

F. The application must give the name of the provider and the policy number of the applicant's insurance required under part 7512.1000. The application must be accompanied by documentation showing that the insurance meets the requirements of part 7512.1000. The documentation must be in the form of a certificate of insurance executed by an insurer authorized to do business in Minnesota and countersigned by an insurance agent licensed in Minnesota.

G. The application must be accompanied by a bond meeting the requirements of part 7512.1000.

H. The application must be accompanied by a completed tax information form required by the commissioner of revenue under Minnesota Statutes, section 270C.72.

I. The application must be accompanied by documentation showing compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, section 176.181, subdivision 2. The documentation must contain the name of the insurance company, the policy number, and dates of coverage, or the permit to self-insure.

J. The application must be accompanied by a license fee of \$575.

K. The application must contain or be accompanied by other information requested by the commissioner as necessary to determine whether the applicant meets the requirements for a contractor of parts 7512.0100 to 7512.2800 and Minnesota Statutes, chapter 299M.

L. Each person named on the application shall sign the application, verifying that the information in the application is true.

Subp. 2. **Issuing license.** Except as provided in subpart 3, the commissioner shall use the provisions of this subpart to determine whether to issue a fire protection contractor license. The commissioner shall issue a fire protection contractor license to the applicant, unless there is a reason to refuse to issue. The commissioner shall refuse to issue a license for any of the following reasons:

A. The application or the items filed with the application do not meet the requirements of subpart 1.

B. The person designated on the application as managing employee does not meet the requirements of a managing employee set out in parts 7512.1300 to 7512.1600.

C. The applicant is currently under revocation or suspension as a contractor or managing employee.

D. A person named on the application was an owner, officer, board member, or managing employee of a fire protection contractor whose license was revoked under part 7512.2600. After the revocation period has elapsed, an applicant is not disqualified.

E. The commissioner of revenue notifies the commissioner of public safety under Minnesota Statutes, section 270C.72, that the applicant owes the state delinquent taxes, penalties, or interest.

F. The applicant does not meet the requirements for a contractor set out in parts 7512.0400 to 7512.1200 and Minnesota Statutes, chapter 299M.

Subp. 3. **Designer contractor license.** The commissioner shall issue a designer contractor license to an applicant who performs fire protection-related work that is limited to the design of fire protection systems. To obtain a designer contractor license, the applicant shall submit to the commissioner a license application that meets the requirements of subpart 1, except that the bond amount must be \$10,000 and the license fee must be \$150. The annual license renewal fee is \$75. The person designated on the application as managing employee must meet the requirements of a managing employee set out in parts 7512.1300 to 7512.1600, except that to qualify for examination, the person must hold a Level IV certification by the National Institute for Certification in Engineering Technologies, in the field of fire protection, and in the subfield of automatic sprinkler system layout. When performing fire protection-related work, the designer contractor is limited to designing fire protection systems.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.0600 CONTRACTOR LICENSE RENEWAL.

Subpart 1. **License expiration date.** A fire protection contractor license expires at midnight on June 30 of each year. A license is valid upon renewal until the following June 30.

Subp. 2. **Renewal application.** A renewal application for a contractor license must be on a form provided or approved by the commissioner and must contain the following information and items:

- A. The application must contain the contractor's name and contractor number.
- B. The application must verify that the contractor information is accurate as of the date of renewal. Contractor information includes information or items submitted with the contractor's initial license application, as amended by a notice of change.
- C. The application must be accompanied by documentation showing compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, section 176.181, subdivision 2. The documentation must contain the name of the insurance company, the policy number, and dates of coverage, or the permit to self-insure.
- D. The application must be accompanied by a license renewal fee of \$500. If the application is submitted on or after June 1, the application must also be accompanied by a late fee of \$50.

E. The application must contain or be accompanied by other information requested by the commissioner as necessary to determine whether the applicant meets the requirements for a contractor of parts 7512.0400 to 7512.1200 and Minnesota Statutes, chapter 299M.

F. One person named on the application shall sign the application, verifying that the information on the application is true.

Subp. 3. **Reasons to refuse renewal.** To renew a contractor license, the contractor shall submit a completed license renewal application to the commissioner. The commissioner shall accept a renewal application any time on or before June 30. A person shall not perform fire protection-related work after the license has expired and before a renewal license is issued. The commissioner shall renew the license, unless there is a reason to refuse to renew. The commissioner shall refuse to renew for any of the following reasons:

A. The application does not meet the requirements of subpart 2.

B. The applicant is currently under revocation or suspension.

C. The commissioner of revenue notifies the commissioner of public safety under Minnesota Statutes, section 270C.72, that the applicant owes the state delinquent taxes, penalties, or interest.

Subp. 4. **Application after lapse.** Within one year after a contractor license has expired, a former contractor may obtain another license by following the renewal procedures of this part. A contractor whose license has been expired for more than one year shall comply with all requirements and procedures of part 7512.0500 in order to obtain another license. A person may not perform fire protection-related work after the license has expired and before another license is issued.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.0700 CHANGE IN CONTRACTOR LICENSE CONDITIONS.

Subpart 1. **Notice of change.** A fire protection contractor shall notify the commissioner of a change in contractor information. Contractor information is the current information that the commissioner has concerning a contractor. This information is based upon the information or items submitted by the contractor in its initial license application or updated change notices.

Subp. 2. **Form of notice.** A notice of change must be made on a form provided or approved by the commissioner and must meet the following conditions:

A. The notice of change must indicate the contractor information that has changed.

B. The notice of change must be accompanied by initial license items that have changed.

C. One owner, officer, board member, or managing employee shall sign the notice, verifying that the information on the notice is true.

D. A person who is removed as an owner, officer, board member, or managing employee shall sign the notice, verifying that the person has been removed. If it is not possible for this person to sign, the notice of change must contain the reason.

Subp. 3. **Timing of notice.** The contractor shall submit the notice of change so that it is received by the commissioner before the change occurs, unless this is not possible, in which case the contractor shall submit the notice as soon as reasonable.

Subp. 4. **License not transferable.** A fire protection contractor license may not be transferred from one person or organization to another. A successor contractor may not perform fire protection-related work until after the successor contractor has obtained another license. In addition, the successor contractor shall obtain a bond that is separate and distinct from the bond under the original license.

A contractor license issued to an individual, partnership, corporation, or limited liability company does not transfer to a new business entity created by a change in the form of ownership of the business.

A contractor license issued to a partnership becomes invalid when an original partner leaves the partnership or a new partner is brought into the partnership.

A contractor license issued to a corporation becomes invalid when the corporation is dissolved. A contractor license remains valid when a shareholder of the corporation or the name of the corporation is changed.

A contractor license issued to a limited liability company becomes invalid when the limited liability company is dissolved. A contractor license remains valid when a member of the limited liability company or the name of the limited liability company is changed.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.0800 CONTRACTOR'S MANAGING EMPLOYEE REQUIREMENTS.

Subpart 1. **Employment of managing employee.** A fire protection contractor shall employ a person who meets the requirements for a managing employee contained in parts 7512.1300 to 7512.1600. The managing employee shall supervise the performance of all fire protection-related work by the contractor.

Subp. 2. **Exceptions.** Except as provided in subparts 3 to 6, a contractor shall not perform fire protection-related work after the contractor loses its managing employee. A contractor loses its managing employee when the managing employee is no longer employed by the contractor or when the managing employee no longer meets the requirements of parts 7512.1300 to 7512.1600. The limitations and conditions of subparts 3 to 6 no longer apply to a contractor after the contractor employs a new managing employee who meets the requirements of parts 7512.1300 to 7512.1600.

Subparts 3 to 6 must not be interpreted to require the commissioner to issue a contractor license to an applicant for an initial contractor license who does not have a managing employee.

Subp. 3. **Notice to commissioner.** The contractor shall notify the commissioner within three days after the contractor loses its managing employee.

Subp. 4. **Fourteen-day grace period.** The contractor may continue performing fire protection-related work for a period of 14 days after the contractor loses its managing employee, provided the contractor:

- A. notifies the commissioner under subpart 3; and
- B. sufficiently supervises its work to ensure that the work is performed in compliance with the fire code and the building code and that worker safety is not compromised.

Subp. 5. **Continuing grace period.** The contractor may continue performing fire protection-related work after the end of the 14-day period under subpart 4 and until seven days after the results of the next managing employee examination are issued, if the contractor meets the following conditions:

- A. the contractor designates an employee as acting managing employee;
- B. the person designated by the contractor meets the qualifications of part 7512.1300 to take the managing employee examination;
- C. the person designated by the contractor submits an application to take the next managing employee examination; and
- D. the commissioner determines that the person designated by the contractor will likely pass the managing employee examination, based on the person's qualifications and experiences.

Subp. 6. **Deadline to designate new managing employee.** Within seven days after the results of the next managing employee examination are issued, the contractor either shall designate a new managing employee who meets the qualifications of parts 7512.1300 to 7512.1600 or shall discontinue performing fire protection-related work.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.0900 CONTRACTOR OPERATING REQUIREMENTS.

Subpart 1. **Posting of license.** A contractor shall post its contractor license issued under parts 7512.0500 and 7512.0600 in a conspicuous place in the contractor's place of business. A contractor shall display its contractor license number on all bids, proposals, offers, and installation drawings for fire protection systems.

Subp. 2. **Compliance with codes.** A contractor shall perform fire protection-related work so that the work is in compliance with the fire code and the building code.

Subp. 3. **Contractor employees.** A fire protection contractor may not employ a person to perform fire protection-related work unless the person is a managing employee, certified journeyman, or registered apprentice.

Subp. 4. **Supervision of apprentices.** A fire protection contractor shall ensure that an apprentice sprinkler fitter working for the contractor is under the direct supervision of a managing employee or journeyman sprinkler fitter. Direct supervision means that a managing employee or journeyman ensures that the apprentice is regularly engaged in learning the sprinkler fitter trade and oversees and directs the fire protection-related work performed by the apprentice such that:

- A. the managing employee or journeyman actually reviews the work performed by the apprentice;
- B. the managing employee or journeyman is on the job site and immediately available to the apprentice at all times for assistance and direction; and
- C. the managing employee or journeyman is able to and does determine that work performed by the apprentice is performed in compliance with the fire code and the building code.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.1000 INSURANCE AND BOND.

Subpart 1. **Insurance.** A fire protection contractor shall have a general liability insurance policy meeting the following requirements:

- A. The policy must include products and completed operations coverage.
- B. The limits of insurance coverage of the policy must be at least \$250,000 per person and \$500,000 per occurrence and property damage insurance with limits of at least \$100,000.
- C. The policy must be conditioned to pay, on behalf of the insured, those amounts that the insured is legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the performance of fire protection-related work.
- D. The term of the policy must be concurrent with the term of the license.
- E. The policy must be executed by an insurer authorized to do business in Minnesota and countersigned by an insurance agent licensed in Minnesota.
- F. The policy must contain a stipulation that the insurance may not be canceled, terminated, or changed in a way so that it no longer meets the requirements of this subpart, except upon 30 days' prior written notice to the commissioner.

Subp. 2. **Bond.** A contractor must have a bond meeting the following requirements:

- A. The bond must be for the total penal sum of \$30,000 conditioned upon the faithful and lawful performance of all work entered upon within the state.
- B. The bond must be for the benefit of persons injured or suffering financial loss by reason of failure of performance.
- C. The term of the bond must be concurrent with the term of the license.
- D. The bond must be written by a corporate surety licensed to do business in the state, be a cash bond, or be an irrevocable line of credit.
- E. The bond must contain a stipulation that the bond may not be canceled, terminated, or changed in a way so that it no longer meets the requirements of this subpart, except upon 30 days' prior written notice to the commissioner.

Subp. 3. **Failure to have insurance or bond.** Except as provided in subpart 4, a fire protection contractor shall not perform fire protection-related work if the contractor does not have insurance meeting the requirements of subpart 1 and a bond meeting the requirements of subpart 2.

Subp. 4. **Exceptions to insurance or bond requirements.** A fire protection contractor may, without the insurance or bond required by this part, perform fire protection-related work on premises or that part of premises actually occupied by the contractor and owned by the contractor or leased by the contractor for a period of at least one year.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.1100 PERMIT.

Subpart 1. **Authority having jurisdiction; permit requirements.** In areas of the state where a municipality reviews plans and inspects installations of fire protection systems, the municipality or the office or individual in the municipality responsible for plan review and inspection is the authority having jurisdiction. In all other areas of the state, the commissioner is the authority having jurisdiction for purposes of plan review and inspection. When required by the authority having jurisdiction, a fire protection contractor shall obtain a permit to perform fire protection-related work.

Subp. 2. **Cost of fire protection system.** When applying for a permit, the contractor shall give an estimate of the total cost of the components and labor of the fire protection system to the authority having jurisdiction. If the actual cost of the system is greater than the estimated cost, the contractor shall notify the authority having jurisdiction of this fact at the time of the final acceptance test.

Subp. 3. **Permit fee.** A fee for a permit to perform fire protection-related work may be charged at the discretion of and in an amount determined by the authority having jurisdiction. When the authority having jurisdiction is the commissioner, the contractor shall pay a permit fee to the commissioner. The permit fee must be the actual cost of the labor and components of the fire protection system multiplied by .012. When applying for the permit, the contractor shall pay an estimated fee based on the estimated cost of the system. If the actual cost of the system is greater than the estimated cost, the contractor shall pay any additional fee amount before the final acceptance test.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.1200 SURCHARGE.

Subpart 1. **Surcharge fee.** A fire protection contractor shall pay a surcharge fee on all fire protection-related work performed by the contractor. The amount of the surcharge fee must be the actual cost of the labor and components of the fire protection system multiplied by .002. The contractor shall pay the surcharge fee to the commissioner.

Subp. 2. **Fee payment schedule.** The contractor shall pay the surcharge fee as follows:

A. If a bid is required for the project, the contractor shall pay the surcharge fee before starting the project. The amount of the fee must be based on the amount of the bid. If the actual cost of the fire protection system is greater than the amount of the bid, the contractor shall pay an additional surcharge fee prior to the final acceptance test of the fire protection system. The amount of the fee must be based on the difference between the actual cost of the fire protection system and the amount of the bid.

B. If a bid is not required for the project, the contractor shall pay the surcharge fee prior to the final acceptance test of the fire protection system. The amount of the fee must be based on the actual cost of the fire protection system.

Subp. 3. **Surcharge fee account.** A contractor may prepay surcharge fees to the commissioner. The commissioner shall hold any prepaid fees in an account in the contractor's name and shall use the account only for surcharge fees on fire protection systems by the contractor.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

MANAGING EMPLOYEE

7512.1300 MANAGING EMPLOYEE EXAMINATION.

Subpart 1. **Application for examination.** An application for a managing employee examination must be on a form provided or approved by the commissioner and must meet the following requirements:

A. The application must contain the name, address, telephone number, date of birth, and driver's license number of the applicant. If the applicant does not have a driver's license, the application must contain the identification card number. If the applicant's driver's license or identification card was issued by another state or country, the application must list the name of the state or country.

B. The application must contain a history of fire protection contractor licensure or managing employee certification of the applicant. The history must be of each fire protection contractor license or managing employee certificate applied for or issued by Minnesota or by another jurisdiction and must include the issuance and expiration dates of the license or certificate. If the jurisdiction refused to issue, revoked, or suspended a license or certificate, the history must give the date and the reason.

C. The application must be accompanied by documentation that the applicant meets the qualifications to take the managing employee examination, as set out in subpart 2.

D. The application must be accompanied by a completed tax information form required by the commissioner of revenue under Minnesota Statutes, section 270C.72.

E. The application must contain or be accompanied by other information requested by the commissioner as necessary to determine whether the applicant meets the requirements of parts 7512.1300 to 7512.1600 for a managing employee.

F. The applicant shall sign the application, verifying that the information in the application is true.

Subp. 2. **Qualifications for examination.** A person may take the managing employee examination if the person submits a completed application for examination and if the person meets one of the following qualifications:

A. The person has 10,000 hours of experience in designing, installing, modifying, or inspecting fire protection systems.

B. The person holds a Level III or IV certification by the National Institute for Certification in Engineering Technologies, in the field of fire protection, and in the subfield of automatic sprinkler system layout.

C. The person is licensed as a professional engineer under Minnesota Statutes, section 326.03, and is competent in fire protection system design.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.1400 MANAGING EMPLOYEE CERTIFICATE.

Subpart 1. **Issuing certificate.** The commissioner shall issue a managing employee certificate and card to a person who is designated as a managing employee by a fire protection contractor, unless there is a reason to refuse to issue. The commissioner shall refuse to issue for any of the following reasons:

A. The person has not passed the managing employee examination and the person is not exempt under part 7512.0300 from the requirement to pass the examination.

B. The person has not met all continuing education requirements since passing the managing employee examination.

C. The person is not employed by the contractor.

D. The person is currently a managing employee for another contractor.

E. The person is currently under revocation or suspension as a fire protection contractor or managing employee.

F. The commissioner of revenue notifies the commissioner of public safety under Minnesota Statutes, section 270C.72, that the person owes the state delinquent taxes, penalties, or interest.

G. The person does not meet the requirements for a managing employee set out in parts 7512.1300 to 7512.1600.

Subp. 2. **List of qualified managing employee candidates.** The commissioner shall maintain a list of persons who pass the managing employee examination, but who are not designated as a managing employee by a fire protection contractor. To remain on the list, a person shall fulfill continuing education requirements as they occur.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.1500 MANAGING EMPLOYEE CERTIFICATE RENEWAL.

Subpart 1. **Certificate expiration date.** A managing employee certificate expires at midnight on June 30 of each year. A certificate is valid upon renewal until the following June 30.

Subp. 2. **Renewal application.** A renewal application for a managing employee certificate must be on a form provided or approved by the commissioner and must contain the following information:

A. The application must contain the managing employee's name and managing employee number.

B. The application must list any changes to the managing employee's address, telephone number, and driver's license number.

C. The application must be accompanied by documentation showing that the managing employee has met the continuing education requirements of subpart 5.

D. The application must be accompanied by a certificate renewal fee of \$75. If the application is submitted on or after June 1, the application must also be accompanied by a late fee of \$50.

E. The application must contain or be accompanied by other information requested by the commissioner as necessary to determine whether the applicant meets the requirements of parts 7512.1300 to 7512.1600 for a managing employee.

F. The applicant shall sign the application, verifying that the information on the application is true.

Subp. 3. **Reasons to refuse renewal.** To renew a managing employee certificate, the managing employee shall submit a completed certificate renewal application to the commissioner. The commissioner shall accept a renewal application any time on or before June 30. A person shall not perform fire protection-related work after the certificate expires and before a renewal certificate is issued. The commissioner shall renew the certificate, unless there is a reason to refuse to renew. The commissioner shall refuse to renew for any of the following reasons:

A. The application does not meet the requirements of subpart 2.

B. The applicant has not met the continuing education requirements of subpart 5.

C. The applicant obtained an initial certificate without passing an examination and the examination exemption period has expired without the applicant having passed the examination.

D. The applicant is currently under revocation or suspension.

E. The commissioner of revenue notifies the commissioner of public safety under Minnesota Statutes, section 270C.72, that the applicant owes the state delinquent taxes, penalties, or interest.

Subp. 4. **Application after lapse.** Within one year after a managing employee certificate has expired, a former managing employee may obtain another certificate by following the renewal procedures of this part. A managing employee whose certificate has been expired for more than one year shall comply with all requirements and procedures of parts 7512.1300 and 7512.1400 in order to obtain another certificate. A person may not perform fire protection-related work after the expiration of a certificate and before another certificate is issued.

Subp. 5. **Continuing education.** During each licensing year, a managing employee shall attend ten hours of continuing education courses on the performance of fire protection-related work and on laws and rules governing the performance of fire protection-related work.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.1600 CARD REQUIREMENT.

A managing employee shall carry the managing employee card and a picture identification while working as a managing employee. The managing employee shall make both the managing employee card and the picture identification available upon request by the commissioner or an authority having jurisdiction. The managing employee card is not transferable.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

JOURNEYMAN SPRINKLER FITTER

7512.1700 JOURNEYMAN SPRINKLER FITTER EXAMINATION.

Subpart 1. **Application for examination.** An application for a journeyman sprinkler fitter examination must be on a form provided or approved by the commissioner and must meet the following requirements:

A. The application must contain the name, address, telephone number, date of birth, and driver's license number of the applicant. If the applicant does not have a driver's license, the application must contain the identification card number. If the applicant's driver's license or identification card was issued by another state or country, the application must list the name of the state or country.

B. The application must be accompanied by documentation that the applicant meets the qualifications to take the journeyman examination, as set forth in subpart 2.

C. The applicant shall sign the application, verifying that the information in the application is true.

Subp. 2. **Qualifications for examination.** A person may take the journeyman examination if the person submits a completed application for examination and if the person meets one of the following qualifications:

A. The person has 8,000 hours of experience in performing fire protection-related work.

B. The person has completed a sprinkler fitter program where the person was regularly engaged in learning the trade under the direct supervision of a licensed fire protection contractor or journeyman sprinkler fitter, while registered with a state or federal approval agency.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.1800 JOURNEYMAN SPRINKLER FITTER CERTIFICATE.

Subpart 1. **Certificate required.** A journeyman sprinkler fitter shall obtain a journeyman sprinkler fitter certificate before performing fire protection-related work.

Subp. 2. **Application for certificate.** An initial application for a journeyman sprinkler fitter certificate must be on a form provided or approved by the commissioner and must meet the following requirements:

A. The application must contain the full name, address, telephone number, date of birth, and driver's license number of the applicant. If the applicant does not have a driver's license, the application must contain the identification card number. If the applicant's driver's license or identification card was issued by another state or country, the application must list the name of the state or country.

B. The application must contain a history of journeyman sprinkler fitter certification of the applicant. The history must be of each journeyman sprinkler fitter certificate applied for or issued by Minnesota or by another jurisdiction and must include the issuance and expiration dates of the certificate. If the jurisdiction refused to issue, revoked, or suspended a certificate, the history must give the date and the reason.

C. The application must be accompanied by documentation that the applicant passed the journeyman sprinkler fitter examination or that the applicant is exempt from examination under part 7512.0300.

D. The application must be accompanied by a completed tax information form required by the commissioner of revenue under Minnesota Statutes, section 270C.72.

E. The application must be accompanied by a certificate fee of \$75.

F. The application must contain or be accompanied by other information requested by the commissioner as necessary to determine whether the applicant meets the requirements for a journeyman of parts 7512.1700 to 7512.2000 and Minnesota Statutes, chapter 299M.

G. The applicant shall sign the application, verifying that the information in the application is true.

Subp. 3. **Issuing certificate.** Except as provided in subparts 4 and 5, the commissioner shall use the provisions of this subpart to determine whether to issue a journeyman sprinkler fitter certificate and card. The commissioner shall issue a journeyman certificate and card to an applicant, unless there is a reason to refuse to issue. The commissioner shall refuse to issue for the following reasons:

A. The application or items filed with the application do not meet the requirements of subpart 2.

B. The applicant has not passed the journeyman sprinkler fitter examination and the applicant is not exempt under part 7512.0300 from the requirement to pass the examination.

C. The applicant is currently under revocation or suspension.

D. The commissioner of revenue notifies the commissioner of public safety under Minnesota Statutes, section 270C.72, that the applicant owes the state delinquent taxes, penalties, or interest.

E. The applicant does not meet the requirements for a journeyman set out in parts 7512.1700 to 7512.2000 and Minnesota Statutes, chapter 299M.

Subp. 4. **Limited certificate.** The commissioner shall issue a limited journeyman sprinkler fitter certificate and card to an applicant who is certified as competent to perform fire protection-related work by a licensed fire protection contractor who is the applicant's employer. To obtain a limited journeyman certificate, the applicant shall submit to the commissioner an application for a journeyman certificate. In addition to the information and items required by subpart 2, the application must contain the employer's certification that the applicant is competent to perform fire protection-related work, the types of fire protection-related work that the applicant is competent to perform, and documentation of the applicant's training and experience showing that the applicant is competent to perform the listed types of fire protection-related work. The application does not need to contain documentation that the applicant has passed the journeyman examination. A journeyman with a limited certificate is limited to working on premises or that part of premises actually occupied by the journeyman's employer and owned by the employer or leased by the employer for a period of at least one year. A journeyman with a limited certificate

is limited to working in areas of competence, as certified and documented by the journeyman's employer. A journeyman with a limited certificate may not perform fire protection-related work unless the journeyman is under the supervision of the employer's managing employee. The commissioner shall indicate the work limitations on the journeyman certificate and card.

Subp. 5. **Conditional certificate.** The commissioner shall issue a conditional journeyman sprinkler fitter certificate and card to an applicant who meets all the qualifications to take the journeyman sprinkler fitter examination, but who has not yet passed the examination. To obtain a conditional journeyman certificate, an applicant shall submit to the commissioner an application for a journeyman certificate and an application to take the journeyman examination. A journeyman with a conditional certificate may not perform fire protection-related work unless the journeyman is under the direct supervision of a journeyman who holds an unconditional and unlimited certificate. The commissioner shall indicate the condition on the journeyman certificate and card. A journeyman with a conditional certificate may work under the conditional certificate for a maximum period of six months, after which the person shall either pass the journeyman examination or discontinue performing fire protection-related work. A person who has obtained a conditional certificate may not obtain another conditional certificate for at least three years after the previous conditional certificate was issued.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.1900 JOURNEYMAN SPRINKLER FITTER CERTIFICATE RENEWAL.

Subpart 1. **Certificate expiration date.** A journeyman sprinkler fitter certificate expires at midnight on June 30 of each year. A certificate is valid upon renewal until the following June 30.

Subp. 2. **Renewal application.** A renewal application for a journeyman certificate must be on a form provided or approved by the commissioner and must contain the following information:

- A. The application must contain the journeyman's name and journeyman number.
- B. The application must list any changes to the journeyman's address, telephone number, and driver's license number.
- C. The application must be accompanied by documentation showing that the journeyman has met the continuing education requirements of subpart 5.
- D. The application must be accompanied by a certificate renewal fee of \$75. If the application is submitted on or after June 1, the application must also be accompanied by a late fee of \$50.
- E. The application must contain or be accompanied by other information requested by the commissioner as necessary to determine whether the applicant meets the requirements for a journeyman of parts 7512.1700 to 7512.2000 and Minnesota Statutes, chapter 299M.
- F. The applicant shall sign the application, verifying that the information on the application is true.

Subp. 3. **Reasons to refuse renewal.** To renew a journeyman certificate, the journeyman shall submit a completed certificate renewal application to the commissioner. The commissioner shall accept a renewal application at any time on or before June 30. A person may not perform fire protection-related work after the certificate expires and before a renewal certificate is issued. The commissioner shall renew

the certificate, unless there is a reason to refuse to renew. The commissioner shall refuse to renew for any of the following reasons:

- A. The application does not meet the requirements of subpart 2.
- B. The applicant has not met the continuing education requirements of subpart 5.
- C. The applicant obtained an initial certificate without passing an examination and the examination exemption period has expired without the applicant having passed the examination.
- D. The applicant is currently under revocation or suspension.
- E. The commissioner of revenue notifies the commissioner of public safety under Minnesota Statutes, section 270C.72, that the applicant owes the state delinquent taxes, penalties, or interest.

Subp. 4. **Application after lapse.** Within one year after a journeyman certificate has expired, a former journeyman may obtain another certificate by following the renewal procedures of this part. A journeyman whose certificate has been expired for more than one year shall comply with all requirements and procedures of parts 7512.1700 and 7512.1800 in order to obtain another certificate. A person may not perform fire protection-related work after the expiration of a certificate and before another certificate is issued.

Subp. 5. **Continuing education.** During each licensing year, a journeyman shall attend ten hours of continuing education courses on the performance of fire protection-related work and on laws and rules governing the performance of fire protection-related work.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.2000 JOURNEYMAN WORK REQUIREMENTS.

Subpart 1. **Competence.** A journeyman sprinkler fitter must be competent to perform fire protection-related work.

Subp. 2. **Card.** A journeyman sprinkler fitter shall carry the journeyman sprinkler fitter card and a picture identification while working as a journeyman. The journeyman shall make both the journeyman card and the picture identification available upon request by the commissioner or an authority having jurisdiction. The journeyman card is not transferable.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

APPRENTICE SPRINKLER FITTER

7512.2100 APPRENTICE SPRINKLER FITTER REGISTRATION.

Subpart 1. **Registration required.** An apprentice sprinkler fitter shall register with the commissioner before performing fire protection-related work.

Subp. 2. **Application for registration.** An initial application for an apprentice sprinkler fitter registration must be on a form provided or approved by the commissioner and must meet the following requirements:

A. The application must contain the full name, address, telephone number, date of birth, and driver's license number of the applicant. If the applicant does not have a driver's license, the application must contain the identification card number. If the applicant's driver's license or identification card was issued by another state or country, the application must list the name of the state or country.

B. The application must be accompanied by documentation that the applicant is in a sprinkler fitter program where the applicant is regularly engaged in learning the trade under the direct supervision of a licensed fire protection contractor or journeyman sprinkler fitter.

C. The application must be accompanied by documentation that the applicant is registered with a state or federal approval agency.

D. The application must be accompanied by a completed tax information form required by the commissioner of revenue under Minnesota Statutes, section 270C.72.

E. The application must be accompanied by a registration fee of \$15.

F. The application must contain or be accompanied by other information requested by the commissioner as necessary to determine whether the applicant meets the requirements for an apprentice of parts 7512.2100 to 7512.2300 and Minnesota Statutes, chapter 299M.

G. The applicant shall sign the application, verifying that the information in the application is true.

Subp. 3. **Issuing registration.** The commissioner shall issue an apprentice sprinkler fitter registration and card to an applicant, unless there is a reason to refuse to issue. The commissioner shall refuse to issue for the following reasons:

A. The application or items filed with the application do not meet the requirements of subpart 2.

B. The applicant is not regularly engaged in learning the trade under the direct supervision of a licensed fire protection contractor or journeyman sprinkler fitter.

C. The applicant is not registered with a state or federal approval agency.

D. The applicant is currently under revocation or suspension.

E. The commissioner of revenue notifies the commissioner of public safety under Minnesota Statutes, section 270C.72, that the applicant owes the state delinquent taxes, penalties, or interest.

F. The applicant does not meet the requirements for an apprentice set forth in parts 7512.2100 to 7512.2300 and Minnesota Statutes, chapter 299M.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.2200 REGISTRATION RENEWAL.

Subpart 1. **Registration expiration date.** An apprentice sprinkler fitter registration expires at midnight on June 30 of each year. A registration is valid upon renewal until the following June 30.

Subp. 2. **Renewal application.** A renewal application for an apprentice registration must be on a form provided or approved by the commissioner and must contain the following information:

- A. The application must contain the apprentice's name and apprentice number.
- B. The application must list any changes to the apprentice's address, telephone number, and driver's license number.
- C. The application must be accompanied by documentation of progress in the apprentice's sprinkler fitter program.
- D. The application must be accompanied by a registration renewal fee of \$15. If the application is submitted on or after June 1, the application must also be accompanied by a late fee of \$15.
- E. The application must contain or be accompanied by other information requested by the commissioner as necessary to determine whether the applicant meets the requirements for an apprentice of parts 7512.2100 to 7512.2300 and Minnesota Statutes, chapter 299M.
- F. The applicant shall sign the application, verifying that the information on the application is true.

Subp. 3. **Reasons to refuse renewal.** To renew an apprentice registration, the apprentice shall submit a completed registration renewal application to the commissioner. The commissioner shall accept a renewal application at any time on or before June 30. A person may not perform fire protection-related work after the registration expires and before a renewal registration is issued. The commissioner shall renew the registration, unless there is a reason to refuse to renew. The commissioner shall refuse to renew for any of the following reasons:

- A. The application does not meet the requirements of subpart 2.
- B. The applicant fails to make satisfactory progress in the applicant's sprinkler fitter program.
- C. The applicant is currently under revocation or suspension.
- D. The commissioner of revenue notifies the commissioner of public safety under Minnesota Statutes, section 270C.72, that the applicant owes the state delinquent taxes, penalties, or interest.

Subp. 4. **Application after lapse.** Within one year after an apprentice registration has expired, a former apprentice may obtain another registration by following the renewal procedures of this part. An apprentice whose registration has been expired for more than one year shall comply with all requirements and procedures of part 7512.2100 in order to obtain another registration. A person may not perform fire protection-related work after the registration expires and before another registration is issued.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870; L 2005 c 151 art 1 s 116*

Published Electronically: *November 8, 2006*

7512.2300 APPRENTICE WORK REQUIREMENTS.

Subpart 1. **Active in approved program.** An apprentice shall annually make satisfactory progress in the apprentice's sprinkler fitter program.

Subp. 2. **Card.** An apprentice sprinkler fitter shall carry an apprentice sprinkler fitter card and a picture identification while working as an apprentice. An apprentice shall make both the apprentice card and the picture identification available upon request by the commissioner or an authority having jurisdiction. The apprentice card is not transferable.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

EXAMINATIONS**7512.2400 EXAMINATIONS.**

Subpart 1. **Examination specifications.** An examination must test for knowledge of the statutes and rules regulating the managing employee or journeyman and for the knowledge and ability to perform fire protection-related work in a competent, lawful, and safe manner.

Subp. 2. **Examination administration.** The commissioner shall develop and administer the examination. The commissioner may contract with a professional examination service to develop and administer the examination.

Subp. 3. **Examination application.** A completed examination application must include a nonrefundable examination fee.

Subp. 4. **Retesting.** An examinee who fails an examination one time may not repeat the examination for 60 days from the date of the failed examination. An examinee who fails the examination more than once may not repeat the examination for 180 days from the date of the failed examination.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

REVOCACTION AND SUSPENSION**7512.2500 ACTS ATTRIBUTED TO CONTRACTOR.**

The commissioner shall revoke or suspend the fire protection contractor license of a partnership, corporation, or limited liability company if an owner, officer, board member, or managing employee acts or fails to act as would be cause to revoke or suspend the license of that person as an individual.

A contractor is responsible for an act of a person while that person is acting as an employee of the contractor, if the contractor authorizes or ratifies the act or if the contractor retains the benefits of the act after actual knowledge of the act.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.2600 REVOCATION.

Subpart 1. **Grounds for revocation.** The commissioner shall revoke a contractor license, managing employee certificate, journeyman certificate, or apprentice registration when the person holding the license, certificate, or registration has committed an act or has failed to perform a duty that constitutes grounds for revocation, which include the following:

- A. The person knowingly or negligently performs fire protection-related work in a manner that would result in an immediate threat to life if a fire were to occur.
- B. The person commits an act or fails to perform a duty that is grounds for suspension under part 7512.2700 and there are three suspensions on the person's record within the past five years.
- C. The person submits a fraudulent application.
- D. The person is convicted of a felony or gross misdemeanor related to the business of fire protection systems.
- E. The person performs fire protection-related work during a suspension imposed under part 7512.2700.

Subp. 2. **Additional grounds for contractor license revocation.** In addition to those grounds listed in subpart 1, grounds for revocation of a fire protection contractor license include the following:

- A. The contractor performs fire protection-related work during a period of time when the contractor's insurance or bond fails to meet the requirements of part 7512.1000.
- B. The certificate of the managing employee of the contractor is revoked.

Subp. 3. **Additional grounds for managing employee certificate revocation.** In addition to those grounds listed in subpart 1, grounds for revocation of a managing employee certificate include: The license of the contractor of the managing employee is revoked.

Subp. 4. **Revocation period and effect.** A contractor license, managing employee certificate, journeyman certificate, or apprentice registration is not valid after it is revoked. A person may not perform fire protection-related work during a revocation. An owner, officer, board member, or managing employee of a revoked contractor may not be an owner, officer, board member, or managing employee of another contractor during a revocation. When a license, certificate, or registration is revoked, the person holding the license, certificate, or registration shall immediately surrender it. The length of revocation is as follows:

- A. The commissioner shall use this item to determine the length of revocation if the revocation is based solely or in part on a conviction of crime or crimes as defined in Minnesota Statutes, section 364.02, subdivision 5. The revocation lasts until competent evidence is presented to the commissioner that the person convicted has been sufficiently rehabilitated under the criteria of Minnesota Statutes, section 364.03, subdivision 3.
- B. If the length of revocation is not determined under item A, the length of revocation is one year.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.2700 SUSPENSION.

Subpart 1. **Grounds for suspension.** The commissioner shall suspend a contractor license, managing employee certificate, journeyman certificate, or apprentice registration when the person holding the license, certificate, or registration has committed an act or has failed to perform a duty that constitutes grounds for suspension. Grounds for suspension include the following:

- A. The person willfully violates a provision of this chapter or Minnesota Statutes, chapter 299M, that is not specifically set out in part 7512.2600.
- B. The person willfully violates or refuses to comply with a lawful request or order of the commissioner.
- C. The person is convicted of a misdemeanor related to the business of fire protection systems.

Subp. 2. **Additional grounds for contractor license suspension.** In addition to those grounds listed in subpart 1, grounds for suspension of a fire protection contractor license include the following:

- A. The certificate of the managing employee of the contractor is suspended.
- B. The contractor adds an owner, officer, board member, or managing employee who would be ineligible to hold a contractor license as an individual. This provision does not constitute grounds for suspension if the contractor acted without knowledge of the person's ineligibility and if the contractor removes the person before the date scheduled for the hearing on the suspension.
- C. The contractor fails to pay the commissioner a surcharge fee due from the contractor within ten days after the notice that a surcharge fee is required to be paid.

Subp. 3. **Additional grounds for managing employee certificate suspension.** In addition to those grounds listed in subpart 1, grounds for suspension of a managing employee certificate include: The license of the contractor of the managing employee is suspended.

Subp. 4. **Description of willfully.** For purposes of this part, the term "willfully":

- A. describes an intentional act or omission by a person when the person knows or should reasonably know that the act or omission violates a law, rule, request, or order and the person is able to comply with the law, rule, request, or order; and
- B. also describes an act or omission by a person, whether intentional or unintentional, when:
 - (1) the person uses a business or construction practice that makes it likely that the act or omission will occur;
 - (2) the commissioner has given written notice to the person within the past three years that the person's license, certificate, or registration may be suspended or revoked if the business or construction practice is not corrected;
 - (3) the person has failed to correct the business or construction practice within a reasonable time after receiving the notice; and

(4) the person's failure to correct the business or construction practice is a significant factor in causing the act or omission.

Subp. 5. **Suspension period and effect.** A contractor license, managing employee certificate, journeyman certificate, or apprentice registration is not valid during a suspension. A person may not perform fire protection-related work during a suspension. When a license, certificate, or registration is suspended, the person holding the license, certificate, or registration shall immediately surrender it. After a suspension period ends, the commissioner shall return the license, certificate, or registration. A suspension period ends after the last day of the period regardless of whether this day falls on a Saturday, Sunday, or legal holiday. The suspension period is as follows:

A. The suspension period is seven days, if there are no suspensions on the person's record within the past five years. This suspension period may be shortened if there are mitigating circumstances that indicate a shorter suspension period is appropriate. The suspension period must be at least three days.

B. The suspension period is 14 days, if there is one suspension on the person's record within the past five years. This suspension period may be shortened if there are mitigating circumstances that indicate a shorter suspension period is appropriate. The suspension period must be at least seven days.

C. The suspension period is 28 days, if there are two suspensions on the person's record within the past five years. This suspension period may be shortened if there are mitigating circumstances that indicate a shorter suspension period is appropriate. The suspension period must be at least 14 days.

D. When a suspension period is shortened based on mitigating circumstances, the commissioner shall in writing identify the mitigating circumstances and give the reasons for shortening the suspension period.

E. The suspension of a contractor, in addition to being on the record of the suspended contractor, is also on the record of another contractor if an owner, officer, board member, or managing employee of the other contractor was an owner, officer, board member, or managing employee of the suspended contractor at the time of the acts leading to the suspension.

F. When a suspension is imposed for a continuing violation, the suspension must last until the suspension period determined under items A to E expires or until the violation is corrected, whichever is later.

Subp. 6. **Hearing.** A person against whom the commissioner takes disciplinary action is entitled to a hearing pursuant to Minnesota Statutes before disciplinary action is imposed. A person aggrieved by the commissioner's action may request a hearing before the commissioner. Minnesota Statutes, sections 14.57 to 14.69, apply to the hearing and to any subsequent proceedings.

Statutory Authority: *MS s 299M.04*

History: *18 SR 1870*

Published Electronically: *November 8, 2006*

7512.2750 CIVIL PENALTY.

Subpart 1. **Proceeding against contractor, manager, journeyman; good cause.** When the commissioner has good cause to believe a fire protection contractor, managing employee, or journeyman is engaging or has engaged in conduct that violates Minnesota Statutes, chapter 299M, or a rule adopted under Minnesota Statutes, section 299M.04, the commissioner, in place of or in addition to licensing

sanctions allowed under that chapter 299M or any rule adopted under that section 299M.04, shall impose a civil penalty upon the fire protection contractor, managing employee, or journeyman.

Subp. 1a. **Definition of good cause to believe.** For purposes of this part, "good cause to believe" means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

- A. written information from an identified person;
 - B. facts supplied by a contractor, managing employee, journeyman sprinkler fitter, or municipality;
 - C. facts of which the commissioner, or an agent of the commissioner, has personal knowledge;
- or
- D. information obtained by the department during an inspection.

Subp. 2. **Maximum penalty.** Penalties imposed must not be greater than \$1,000 for each violation of Minnesota Statutes, chapter 299M, or rule adopted under Minnesota Statutes, section 299M.04, for each day of violation.

Subp. 3. **Assessment factors.** When determining the amount of penalty to be assessed, the commissioner shall consider:

- A. those factors listed in Minnesota Statutes, section 14.045, subdivision 3, paragraph (a);
 - B. the following factors:
 - (1) the degree of the person's culpability;
 - (2) the person's ability to pay;
 - (3) good faith on the part of the person in attempting to remedy the cause of the violation;
- and
- (4) the effect of the penalty on the person's ability to continue in business; and
 - C. for a second or succeeding violation, the factors listed in items A and B and listed in Minnesota Statutes, section 14.045, subdivision 3, paragraph (b).

Subp. 4. **Notice of civil penalty.** The commissioner shall issue a notice of civil penalty when the commissioner has good cause to believe a violation of Minnesota Statutes, chapter 299M, or any rule adopted under Minnesota Statutes, section 299M.04, has occurred.

- A. The contents of a notice of civil penalty must include:
 - (1) a statement of the statute or rule allegedly violated and a description of the evidence on which the allegation is based;
 - (2) notice of response options available; and
 - (3) the amount of the civil penalty proposed.
- B. The subject of the penalty shall respond to the notice within 15 days. The subject may select one or more of the following options for response:
 - (1) pay the penalty and close the case;
 - (2) submit an offer in compromise of the proposed civil penalty;

(3) submit a written explanation, information, or other material in answer to the allegations or in mitigation of the proposed civil penalty; or

(4) request the commissioner to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.

C. The commissioner shall review any written explanations, information, or other materials that are submitted in response to a notice of civil penalty. The commissioner shall determine whether to enforce, negotiate, modify, or withdraw the notice or to initiate a hearing under Minnesota Statutes, sections 14.57 to 14.69.

Subp. 5. **Payment procedure.** The subject of the civil penalty shall pay the penalty that has been assessed and proposed, or compromised, by submitting to the commissioner a check or money order in the correct amount, payable to the commissioner of public safety, to be deposited in the state treasury and credited to the general fund.

Subp. 6. **Other enforcement provisions.** Unless the commissioner determines that other enforcement provisions are unnecessary or inapplicable to the particular violation at issue, neither payment of the civil penalty nor negotiation, modification, or withdrawal of the notice of civil penalty prohibits:

A. the commissioner from pursuing other enforcement provisions provided for in Minnesota Statutes, chapter 299M, and rules adopted under Minnesota Statutes, section 299M.04; or

B. the subject of the civil penalty from abiding by the terms of other enforcement provisions.

Subp. 7. **Hearings.** A penalty imposed under Minnesota Statutes, section 299M.04, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 299M.04*

History: *24 SR 1780*

Published Electronically: *November 8, 2006*

7512.2770 CEASE AND DESIST ORDER.

Subpart 1. **Cease and desist order; immediate risk.** The commissioner shall issue an order to cease and desist an activity that violates Minnesota Statutes, chapter 299M, or any rule adopted under Minnesota Statutes, section 299M.04, and is considered to be an immediate risk to public health or public safety. Generally, a cease and desist order under this part is appropriate if an individual or group is in danger of specific harmful consequences in the immediate future if an action or activity goes unchecked.

Subp. 2. **Contents of order.** An order to cease and desist an activity must be in writing and include the following:

- A. the reasons for issuing the order and a statement of the evidence compiled;
- B. the statute, rule, variance, order, or term or condition of a permit that was violated, if any;
- C. the length of time the order is effective; and
- D. notice that a contested case hearing will be held within seven working days.

Subp. 3. **Maximum length of order.** An order issued under this part is valid for no longer than 20 working days.

Subp. 4. **Public notice.** The commissioner, in conjunction with a cease and desist order, may physically tag each violation. This public notice must contain the information required for an order under subpart 2, items A to C.

Subp. 5. **Administrative hearings.** The commissioner shall initiate proceedings for a contested case hearing according to Minnesota Statutes, sections 14.57 to 14.69, of the Minnesota Administrative Procedure Act, and items A to C:

A. An administrative hearing must be held within seven working days of issuing the cease and desist order.

B. The administrative law judge shall issue an order to vacate, modify, or make permanent a cease and desist order within five working days of the administrative hearing.

C. If the person to whom the order is issued fails to appear at a hearing after notice of the hearing, the party is in default and the cease and desist order becomes permanent.

Subp. 6. **Noncompliance.** In the event of noncompliance with a cease and desist order, in addition to licensing sanctions allowed under Minnesota Statutes, chapter 299M, or any rule adopted under Minnesota Statutes, section 299M.04, the commissioner shall assess a civil penalty as set forth in part 7512.2750 and Minnesota Statutes, section 299M.04.

Subp. 7. **Other enforcement.** Issuance of a cease and desist order does not preclude the commissioner from pursuing other enforcement actions available to the commissioner.

Subp. 8. **Elimination of immediate risk.** The commissioner shall vacate the cease and desist order when the person proves that the immediate risk to public health or public safety has been eliminated.

Subp. 9. **Determination that no immediate risk remains.** When the person asserts that the situation has been resolved so that no immediate risk remains, the commissioner shall verify that assertion according to items A to D:

A. review all information related to the issuance of the order to determine if violations have been corrected and there is no longer an immediate risk;

B. as may be reasonable under the facts of the case, verify with a site visit, reinspection, examination of documentation, or other means;

C. on determining that the situation has been corrected so that no immediate risk remains, notify the person within 36 hours and lift the cease and desist order; and

D. document a determination that the situation has been corrected in case further infractions, incidents, or situations occur involving the person at issue.

Statutory Authority: *MS s 299M.04*

History: *24 SR 1780*

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MUNICIPAL PERMIT PROGRAMS

7512.2800 MUNICIPAL PERMIT PROGRAM.

Subpart 1. **Permits required by ordinance.** A municipality, through local ordinance, may require a permit to perform fire protection-related work. The municipality shall submit to the commissioner a copy

of ordinances pertaining to fire protection system permits. For ordinances adopted before June 1, 1994, a copy must be submitted by July 1, 1994. For ordinances adopted on or after June 1, 1994, a copy must be submitted within 30 days of the date of adoption of the ordinance. The submittal must include documentation of training for the persons who will conduct the plan reviews and inspections.

Subp. 2. **Plan review and inspection program.** When a municipality issues a permit, the municipality shall provide a competent plan review conducted by a person trained in fire protection system plan review. The municipality shall also provide a competent inspection conducted by a person trained in fire protection system inspection. The municipality shall document the permit program and make it available to the commissioner for review.

Subp. 3. **Municipal reporting.** At least once a year, a municipality issuing permits shall submit a report to the commissioner indicating all permits that have been issued by the municipality for fire protection systems. This report must include the name, address, type of fire protection system installed, contractor license number, and occupancy type of the structure for which the permit was issued.

Statutory Authority: *MS s 299M.04*

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