

# CCLD REVIEW

CONSTRUCTION CODES AND LICENSING DIVISION  
MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY

SUMMER 2014

## New building code takes effect January 2015

### DLI will skip 2015 model code adoption process, wait until 2018 cycle

The Minnesota Department of Labor and Industry (DLI) anticipates it will adopt the 2012 International Code Council (ICC) construction model codes and Minnesota-specific amendments in January 2015.

As a result, DLI will skip the 2015 model code adoption cycle and will plan to pursue the ICC's 2018 model codes for Minnesota.

The decision to skip the 2015 cycle was made after much feedback from the construction industry members who preferred the stability of working with the new codes for another four to six years.

“This will provide the construction industry with more time to develop the most cost-efficient means to comply with the soon-to-be adopted 2012 code,” said Ken Peterson, DLI commissioner. “It will save time and money in repeat purchases of code books, associated standards, training manuals and education programs.”

ICC codes are published every three years. However, recent Minnesota practice has been to adopt new codes every six years, as when the 2000, 2006 and 2012 codes were chosen for adoption.

While DLI will not adopt new model codes until 2018, it will still propose new code amendments if special needs or opportunities arise such as advances in technology, safety or materials.

#### 2012 Minnesota Building Codes

DLI is working with the ICC to produce 2012 Minnesota Building Code books that include only those chapters from the model codes and specific amendments used in Minnesota.

These include the:

- Minnesota Building Code
- Minnesota Residential Code
- Minnesota Mechanical and Fuel Gas Code
- Minnesota Commercial and Residential Energy Codes
- Minnesota Rehabilitation of Existing Buildings Code
- Minnesota Accessibility Code
- Minnesota Fire Code

In addition, a Spanish edition of the Residential Building Code will be made available. There will also be free online access of these Minnesota Building Codes.

## Electrical code

## 2014 National Electrical Code is now in effect

The 2014 National Electrical Code (NEC) became effective statewide July 1, 2014.

Regardless of when the work is started, Requests for Electrical Inspection (electrical permits) filed with DLI on or after July 1, 2014, are subject to the provisions of the 2014 NEC. Requests for Electrical Inspection filed prior to July 1, 2014, are subject to the provisions of the 2011 NEC.

All electrical license examinations have been updated to include the requirements of the 2014 NEC.



# Contractor Registration Program is made permanent

The 2014 Minnesota Legislature has made permanent the Construction Contractor Registration Pilot Program administered by DLI. As a result, the 14,000 current registrations that were set to expire June 30, 2014, have been extended through June 30, 2015.

## What is contractor registration?

The purpose of the registration program is to identify all building construction providers in the state and to ensure workers are classified appropriately. The goal of the program, which received broad support from industry groups, is to ensure all contractors are in compliance with Minnesota laws.

All commercial and residential building construction or improvement contractors who are not already licensed or registered with DLI must register through the Construction Contractor Registration program.

## What does this mean for hiring contractors?

Commercial and residential building construction or improvement contractors must ensure all of their independent contractors are registered or licensed with DLI. Verification of a subcontractor's status can be done on DLI's website at <https://secure.doli.state.mn.us/lookup/licensing>.

In addition to being registered or licensed with DLI, a subcontractor must:

- have a current business filing with [the Minnesota Secretary of State](#),
- use written contracts or invoices in their company's legal business name,
- and meet all requirements of [the nine-factor test](#) that has applied to the construction industry for many years.

A subcontractor who does not comply with all four of these requirements can be deemed an employee of the hiring contractor, which could result in penalties for misclassification of the worker.

## What does this mean for independent contractors?

Any individual or business that performs building construction or improvement services in Minnesota must now be registered with DLI or hold a license issued by DLI. Independent contractors must continue to maintain a valid business filing with the Minnesota Secretary of State, use written contracts or invoices for their work, and meet [the nine-factor test](#).

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Receive email notification when an issue is available by [subscribing online](#).

## Contact information

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### Visit the [Contact Us](#) page

### Licensing information

[DLI.License@state.mn.us](mailto:DLI.License@state.mn.us)

### Business/Contractor Licenses and Bonds: (651) 284-5034

(Including: Electrical, HPP, Plumbing, Residential, Manufactured Structures, Mechanical Bonds, Technology System, Water Conditioning)

### Personal Licenses and Certificates: (651) 284-5031

(Including: Boiler Engineers, Electricians, Plumbers, Power Limited Technicians, Pipefitters, Unlicensed Individuals, Building Officials)

### Electrical information

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### Contractor registration program

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## More information about contractor registration

Online: [www.dli.mn.gov/CCLD/register.asp](http://www.dli.mn.gov/CCLD/register.asp)  
Phone: (651) 284-5074  
Email: [dli.register@state.mn.us](mailto:dli.register@state.mn.us)

## Can shipping containers be used in construction?

DLI receives many questions about the potential use of recycled transport shipping containers for conversion to occupied building structures. Some proposed uses have included single-family homes, townhouses, apartments and cabins.

In Minnesota, buildings and structures must be designed and constructed in accordance with the Minnesota State Building Code (MSBC). This includes buildings of closed construction that are regulated by Minnesota Rule Chapter 1361 and the interstate model rules and regulations as adopted by the Industrialized Building Commission (IBC).

In 2009, the IBC issued a resolution about the use of shipping containers in construction, and because of factors ranging from unverifiable construction practices to not knowing what the container once held, units built of these containers cannot be issued IBC labels to certify construction code compliance.

If transport shipping containers are proposed as building construction projects under the jurisdiction of a local government, the building official may consider criteria as outlined in Minnesota Rules, Section 1300.0110, subd. 13 “Alternative materials, design, and methods of construction and equipment” which could allow them in some instances.

### The IBC resolution:

#### RESOLUTION ON USE OF RECYCLED SHIPPING CONTAINERS IN INDUSTRIALIZED/MODULAR BUILDINGS

WHEREAS, shipping containers are manufactured at various locations throughout the world using construction materials, assembly methods and controls that cannot be readily verified;



DLI receives questions often about the potential use of transport containers for building structures.

WHEREAS, shipping containers are manufactured in such a manner that concealed parts or assembly methods cannot be evaluated without disassembly, damage or destruction;

WHEREAS, prior to being used as components of industrialized buildings, shipping containers are used to store and transport various cargos and are exposed to elements and stresses that are not within the scope of building codes;

WHEREAS, Uniform Administrative Procedure does not have a process for assuring participating states of the substantial compliance of used shipping containers with applicable construction standards;

THEREFORE BE IT RESOLVED, that Industrialized Building Commission’s certification labels cannot be affixed to used shipping containers to evidence compliance with the Uniform Administrative Procedures and the Model Rules and Regulations.

## Changes to state project delegation coming

Legislation takes effect Aug. 1, 2014, that impacts the way DLI delegates public buildings and state-licensed facility building projects. This includes:

- providing criteria used in making delegation determinations to municipalities requesting an agreement;
- clarifying the process used for reconsidering the

- commissioner’s determination; and,
- establishing a category of projects that can be delegated to any requesting designated building official.

DLI staff members plan to meet with building official representatives to discuss these changes and the criteria used to make delegation determinations.

# Two CCLD building code seminars being planned

DLI is sponsoring two seminars about the new Minnesota State Building Code (MSBC) set to take effect in January 2015.

DLI staff members will provide training about code changes that specifically affect construction and code administration in Minnesota.

The seminars will be presented at locations throughout the state from September through December. Information about the seminars will be available at

[www.dli.mn.gov/ccld/education.asp](http://www.dli.mn.gov/ccld/education.asp) and an email notice will be sent to subscribers of the CCLD Review newsletter once the seminars are scheduled.



Two seminars about Minnesota's new building code will be presented by CCLD staff beginning in September.

## Vikings Stadium

# DLI stays up-to-date about new Minnesota stadiums



DLI electrical area representatives and contract electrical inspectors attended a “Vikings Stadium Construction Update” hosted by the North Central Electrical League in June 2014. The event featured information about the construction of the Minnesota Multi-purpose Stadium. When completed, the new downtown Minneapolis facility will have more than 4.2 million feet of electrical wiring and more than 20,000 light fixtures.

Pictured, left to right, are CCLD Electrical Area Representative Tom Tobias, Contract Electrical Inspector Patrick McMullen, CCLD Electrical Area Representative Marty Ignatowicz, CCLD Chief Electrical Inspector John Williamson, CCLD Senior Electrical Representative Marcus ‘Sam’ Sampson and Contract Electrical Inspector Joseph Wheaton.

## Stay in touch

# Want more news from DLI? Multiple resources available

- Follow DLI on Twitter at [www.twitter.com/mndli](http://www.twitter.com/mndli)
- Sign up for other DLI newsletters focusing on workers' compensation, OSHA and more at [www.dli.mn.gov/publications.asp](http://www.dli.mn.gov/publications.asp)
- Sign up for Labor & Industry News to receive monthly updates about agency projects at [www.dli.mn.gov/email.asp](http://www.dli.mn.gov/email.asp).
- View DLI's YouTube channel at [www.youtube.com/user/mndli1](http://www.youtube.com/user/mndli1)



# Who can perform Minn. plumbing inspections?

All plumbing installations in Minnesota must be inspected by either a DLI plumbing inspector or by a local building official. The following is a guide to help determine who should complete the inspection.

### Municipalities with a building official

In municipalities with a building official, plumbing inspections may be performed by the building official with the exceptions of:

- 1. State-licensed facilities.** These are a specific group of facilities licensed by the Minnesota Department of Health. They are defined in Minnesota Statutes 326B.103, subd. 13, and includes a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, correctional facility, boarding care home or residential hospice.
- 2. Public buildings.** “Public building” means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project or charter school building project the cost of which is \$100,000 or more.

Examples of these types of facilities include public and charter school buildings, state colleges, Minnesota Department of Transportation projects and similar state-owned facilities. Even though the definition of



All plumbing installations must be inspected by either DLI plumbing inspectors or a local municipality's building official.

public buildings includes school projects costing more than \$100,000, DLI inspects all charter and public school plumbing installations regardless of cost as they have been determined to be projects of a “special nature.”

- 3. Projects of a special nature.** These include projects DLI has determined are essential to public safety or where the municipality requests DLI to conduct the inspection.

**Exception: A municipality may inspect the facilities listed in items one through three if it has a plan review agreement in place with DLI, in accordance with Minnesota Statutes 326B.43 subd. 2, and the inspector for the municipality is a licensed journeyman or master plumber.**

### No local building official

In municipalities with no building official, DLI inspectors perform all plumbing inspections with the exception that residential inspections are limited to housing that contains five or more units.

### A note about plumbing plans

Plumbing plans must be submitted to DLI for review and must be approved before inspections can take place. For municipalities with plan review agreements with DLI, plans may be reviewed by the municipality, with the exception of the facility types listed in numbers one through three. Plans for those facilities must still be submitted to DLI.

## Locate inspectors quickly

# Find code requirements and code inspectors online



DLI has built a one-stop “Local Code Lookup” – online at <http://workplace.doli.state.mn.us/jurisdiction> – to help contractors and homeowners find local code requirements and code inspectors in one place.

The online search tool helps users find which code authority has local jurisdiction for permits, plan review and inspection in the areas of boilers, building codes, electrical, elevators, high-pressure piping, plumbing or other Minnesota construction codes and licensing disciplines.

# Code limits directional drilling for gravity plastic sewers

Trenchless directional drilling, also known as directional boring, for installation of sewers is becoming more popular in the utility industry.

While it may be a popular technology in some utility work, directional drilling of plastic gravity sewers is not an installation method allowed by the Minnesota Plumbing Code. Here's why:

- The Plumbing Code requires all plastic gravity sewer installations to meet ASTM Standard D2321. This means plastic sewer pipes must be installed using the open trench method laid uniformly on a firm granular bedding with required slope for the entire length of installation. Proper installation of plastic sewer pipes is critical to provide for proper flow and scouring effect of sewage as well as to allow for expansion and contraction of plastic sewer pipes.
- Some problems with directional drilling are difficulty controlling the direction during drilling, as well as maintaining uniform pipe slope.

Sites often contain sharp rocks or inconsistent soil that may cut or scrape the plastic pipe damaging wall thickness, jeopardizing the performance and reducing longevity of the sewer pipes. The existing soil conditions can also hinder determination of ground support of sewer pipes. This support is critical for the performance of plastic gravity sewers.

- There is a lack of manufacturers' installation instructions and recommendations for directional drilling of gravity sewers using plastic pipe.
- A nationally recognized installation standard has not been established to support directional drilling or other trenchless methods for gravity sewers.
- Site inspections of trenchless sewer installation are not possible to ensure proper installation.

Plastic gravity sewers must be installed to meet the Minnesota Plumbing Code, referenced standards, and manufacturer's installation instructions and recommendations.

## Enforcement actions

# Unlicensed residential contractor fined \$89,500

Some recent [CCLD enforcement actions](#) include:

- An unlicensed residential building contractor from Rochester was ordered to cease and desist from unlicensed activity and fined \$89,500. The individual contracted with a homeowner to perform electrical and plumbing work in addition to residential contracting work. He took a \$16,000 down payment and most of the work he performed was of such poor quality that it will have to be redone. This contractor had been cited previously and is being prosecuted by Olmsted County for his most recent unlicensed activity.
- In March, an unlicensed residential building contractor from Coon Rapids was ordered to cease and desist from unlicensed activity and pay a \$25,000 civil penalty. The contractor had taken an \$18,000 down payment from a customer but performed no work. He later offered to refund \$16,750 of the down payment but his check was returned for insufficient funds.
- An unlicensed electrical contractor from Coon Rapids was found to have advertised electrical services on the website Craig's List, falsely claiming to be licensed. He also used the business name of a licensed contractor without that contractor's authorization. DLI issued an administrative order requiring the contractor to cease and desist from further unlicensed activity and pay a \$14,000 civil penalty.



### Enforcement actions

View enforcement and license actions taken against licensees.

Summaries of all final CCLD enforcement actions are available at [www.dli.mn.gov/CCLD/Enforcement.asp](http://www.dli.mn.gov/CCLD/Enforcement.asp). Questions about specific enforcement actions should be directed to (651) 284-5069 or [DLI.contractor@state.mn.us](mailto:DLI.contractor@state.mn.us).