

## **WATER CONDITIONING**

### **326B.50 DEFINITIONS.**

#### **Subdivision 1. Scope.**

For the purposes of sections [326B.50](#) to [326B.59](#), the terms defined in this section have the meanings given them.

#### **Subd. 1a. Responsible licensed master.**

"Responsible licensed master" means the licensed water conditioning master or licensed master plumber designated in writing by the water conditioning contractor in the water conditioning contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the water conditioning contractor's compliance with sections [326B.50](#) to [326B.59](#), all rules adopted under these sections, the Minnesota Plumbing Code, and all orders issued under section [326B.082](#).

#### **Subd. 2. Single family residential unit.**

"Single family residential unit" means a building or portion thereof which is arranged, designed, used or intended to be used for residential occupancy by one family, but not including a motel, hotel or rooming house.

#### **Subd. 2a. Water conditioning contractor.**

"Water conditioning contractor" means a person who performs or offers to perform any water conditioning installation or water conditioning servicing, with or without compensation, who is licensed as a water conditioning contractor by the commissioner.

#### **Subd. 3. Water conditioning installation.**

"Water conditioning installation" means the installation of appliances, appurtenances, and fixtures designed to treat water so as to alter, modify, add or remove mineral, chemical or bacterial content, said installation to be made in a water distribution system serving:

(1) a single family residential unit, which has been initially established by a licensed plumber, and does not involve a direct connection without an air gap to a soil or waste pipe; or

(2) a multifamily or nonresidential building, where the plumbing installation has been initially established by a licensed plumber. Isolation valves shall be required for all water conditioning installations and shall be readily accessible. Water conditioning installation does not include:

(i) a valve that allows isolation of the water conditioning installation;

(ii) piping greater than two-inch nominal pipe size; or

(iii) a direct connection without an air gap to a soil or waste pipe.

#### **Subd. 3a. Water conditioning journeyworker.**

"Water conditioning journeyworker" means an individual, other than a water conditioning master, who has demonstrated practical knowledge of water conditioning installation and servicing, and who is licensed by the commissioner as a water conditioning journeyworker.

**Subd. 3b. Water conditioning master.**

"Water conditioning master" means an individual who has demonstrated skill in planning, superintending, installing, and servicing water conditioning installations, and who is licensed by the commissioner as a water conditioning master.

**Subd. 4. Water conditioning servicing.**

"Water conditioning servicing" means the servicing (including servicing prior to installation) of a water conditioning installation.

**Subd. 5. Direct supervision.**

"Direct supervision," with respect to direct supervision of a registered unlicensed individual, means that:

- (1) at all times while the registered unlicensed individual is performing water conditioning installation work, a direct supervisor is present at the location where the registered unlicensed individual is working;
- (2) the direct supervisor is physically present and immediately available to the registered unlicensed individual at all times for assistance and direction;
- (3) any form of electronic supervision does not meet the requirement of being physically present;
- (4) the direct supervisor reviews the water conditioning installation work performed by the registered unlicensed individual before the water conditioning installation is operated; and
- (5) the direct supervisor determines that all water conditioning installation work performed by the registered unlicensed individual is performed in compliance with sections [326B.50](#) to [326B.59](#), all rules adopted under these sections, the Minnesota Plumbing Code, and all orders issued under section [326B.082](#).

**Subd. 6. Direct supervisor.**

"Direct supervisor" means a master plumber, journeyworker plumber, restricted master plumber, restricted journeyworker plumber, water conditioning master, or water conditioning journeyworker responsible for providing direct supervision of a registered unlicensed individual.

**History:**

[1969 c 898 s 5](#); [1977 c 305 s 45](#); [1985 c 248 s 70](#); [1989 c 209 art 2 s 1](#); [2007 c 140 art 7 s 6-9,12,13](#); [art 13 s 4](#); [2010 c 347 art 3 s 34-37,76](#); [2010 c 385 s 6](#); [2017 c 68 art 1 s 26](#); [c 94 art 2 s 9-11](#); [1Sp2017 c 7 s 8](#)

**326B.52 WATER CONDITIONING CONTRACTOR AND INSTALLER STANDARDS.**

**Subdivision 1. Rulemaking by Plumbing Board.**

The Plumbing Board shall, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new water conditioning servicing and water conditioning installations performed anywhere in the state, including additions, extensions, alterations, and replacements.

**Subd. 2. Inspectors.**

Except for powers granted to the Plumbing Board, the commissioner shall administer the provisions of sections [326B.50](#) to [326B.59](#) and for such purposes may employ water conditioning inspectors and other assistants.

**History:**

[1969 c 898 s 1](#); [1973 c 123 art 5 s 7](#); [1977 c 305 s 45](#); [1985 c 248 s 70](#); [1989 c 209 art 2 s 1](#); [2007 c 140 art 7 s 1,13](#); [art 13 s 4](#); [2010 c 183 s 11](#)

**326B.53 LOCAL REGULATIONS.**

Any city, county, or town may, by ordinance, adopt local regulations providing for water conditioning permits, bonds, approval of plans, and inspections of water conditioning installations and servicing, which regulations shall not be in conflict with the rules on the same subject prescribed by the commissioner. No city, county, or town shall prohibit water conditioning contractors or installers licensed by the commissioner from engaging in or working at the business.

**History:**

[1969 c 898 s 2](#); [1973 c 123 art 5 s 7](#); [1977 c 305 s 45](#); [2007 c 140 art 7 s 2,13](#); [art 13 s 4](#); [2010 c 183 s 12](#)

**326B.54 VIOLATIONS TO BE REPORTED TO COMMISSIONER.**

Such local authority as may be designated by any such ordinance for the issuance of such water conditioning installation and servicing permits and approval of such plans shall report to the commissioner persistent or willful violations of the same and any incompetence of a licensed water conditioning contractor, licensed water conditioning master, or licensed water conditioning journeyworker observed by the local authority.

**History:**

[1969 c 898 s 3](#); [1977 c 305 s 45](#); [2007 c 140 art 7 s 3,13](#); [art 13 s 4](#); [2010 c 347 art 3 s 38,76](#); [2010 c 385 s 6](#); [2017 c 68 art 1 s 26](#); [1Sp2017 c 7 s 8](#)

**326B.55 LICENSING; QUALIFICATIONS; RULES.**

**Subdivision 1. Licensing.**

(a) Except as provided in paragraph (d), no individual shall perform water conditioning installation or water conditioning servicing unless licensed by the commissioner as a master plumber, journeyworker plumber, water conditioning master, or water conditioning journeyworker, or, in all areas of the state except in cities and towns with a population of more than 5,000 according to the last federal census, as a restricted master plumber or restricted journeyworker plumber.

(b) Except as provided in paragraph (e), no person shall perform or offer to perform water conditioning installation or water conditioning servicing with or without compensation unless the person obtains a water conditioning contractor's license. A water conditioning contractor's license does not of itself qualify its holder to perform the water conditioning installation or water conditioning servicing authorized by holding a water conditioning master or water conditioning journeyworker license.

(c) Except as provided in paragraph (d), no person shall engage in or work at the business of water conditioning installation or servicing anywhere in the state unless at all times an individual licensed as a master plumber or water conditioning master by the commissioner, who is responsible for the proper installation and servicing, is in charge of the water conditioning installation and servicing work.

If a water conditioning contractor employs a licensed master, restricted master, journeyworker or restricted journeyworker plumber, or a licensed water conditioning master or journeyworker, then the licensed individual does not need a separate water conditioning contractor license to perform water conditioning installation or servicing on behalf of the employer within the scope of the individual's plumber license.

(d) No water conditioning contractor, water conditioning master, or water conditioning journeyworker license is required:

(1) for exchanges of portable water conditioning equipment; or

(2) for an individual to perform water conditioning work that complies with the minimum standards prescribed by the Plumbing Board on premises or that part of premises owned and occupied by the individual as a residence, unless otherwise prohibited by a local ordinance. The scope of work that a master plumber, restricted master plumber, journeyworker plumber, or restricted journeyworker plumber is authorized to perform as an employee of a licensed water conditioning contractor shall be limited to the scope of work that the licensed water conditioning contractor is licensed to perform.

**Subd. 2. Qualifications for licensing.**

(a) A water conditioning master license shall be issued only to an individual who has demonstrated skill in planning, superintending, servicing, and installing water conditioning installations, and has successfully passed the examination for water conditioning masters. A water conditioning journeyworker license shall only be issued to an individual other than a water conditioning master who has demonstrated practical knowledge of water conditioning installation, and has successfully passed the examination for water conditioning journeyworkers. A water conditioning journeyworker must successfully pass the examination for water conditioning masters before being licensed as a water conditioning master.

(b) Each water conditioning contractor must designate a responsible licensed master plumber or a responsible licensed water conditioning master, who shall be responsible for the performance of all water conditioning installation and servicing in accordance with the requirements of sections [326B.50](#) to [326B.59](#), all rules adopted under sections [326B.50](#) to [326B.59](#), the Minnesota Plumbing Code, and all orders issued under section [326B.082](#). If the water conditioning contractor is an individual or sole proprietorship, the responsible licensed master must be the individual, proprietor, or managing employee. If the water conditioning contractor is a partnership, the responsible licensed master must be a general partner or managing employee. If the water conditioning contractor is a limited liability company, the responsible licensed master must be a chief manager or managing employee. If the water conditioning contractor is a corporation, the responsible licensed master must be an officer or managing employee. If the responsible licensed master is a managing employee, the responsible licensed master must be actively engaged in performing water conditioning work on behalf of the water conditioning contractor and cannot be employed in any capacity as a water conditioning master or water

conditioning journeyworker for any other water conditioning contractor. An individual must not be the responsible licensed master for more than one water conditioning contractor.

(c) All applications and renewals for water conditioning contractor licenses shall include a verified statement that the applicant or licensee has complied with paragraph (b).

(d) Each application and renewal for a water conditioning master license, water conditioning journeyworker license, or a water conditioning contractor license shall be accompanied by all fees required by section [326B.092](#).

**Subd. 3. Commissioner.**

The commissioner shall:

(1) license water conditioning contractors, water conditioning masters, and water conditioning journeyworkers; and

(2) collect the fees required by section [326B.092](#).

**Subd. 4. Plumber's apprentices.**

(a) A plumber's apprentice who is registered under section [326B.47](#) is authorized to assist in water conditioning installation and water conditioning servicing only while under the direct supervision of a master plumber, journeyworker plumber, restricted master plumber, restricted journeyworker plumber, water conditioning master, or water conditioning journeyworker. The master or journeyworker is responsible for ensuring that all water conditioning work performed by the plumber's apprentice complies with the plumbing code and rules adopted under sections [326B.50](#) to [326B.59](#). The supervising master or journeyworker must be licensed and must be employed by the same employer as the plumber's apprentice. Licensed individuals shall not permit plumber's apprentices to perform water conditioning work except under the direct supervision of an individual actually licensed to perform such work. Plumber's apprentices shall not supervise the performance of plumbing work or make assignments of plumbing work to unlicensed individuals.

(b) Water conditioning contractors employing plumber's apprentices to perform water conditioning work shall maintain records establishing compliance with this subdivision that shall identify all plumber's apprentices performing water conditioning work, and shall permit the department to examine and copy all such records.

**History:**

[1969 c 898 s 4](#); [1973 c 123 art 5 s 7](#); [1974 c 471 s 16](#); [1977 c 305 s 45](#); [1980 c 487 s 11](#); [1985 c 248 s 70](#); [1986 c 444](#); [2007 c 140 art 7 s 4,13](#); [art 13 s 4](#); [2010 c 183 s 13](#); [2010 c 347 art 3 s 39,76](#); [2010 c 385 s 6](#); [2017 c 68 art 1 s 26](#); [c 94 art 2 s 12,13](#); [1Sp2017 c 7 s 8](#)

**326B.555 REGISTERED UNLICENSED INDIVIDUALS.**

**Subdivision 1. Registration; supervision; records.**

(a) All unlicensed individuals engaged in water conditioning installation must be registered under subdivision 3.

(b) A registered unlicensed individual is authorized to assist in water conditioning installations in a single family residential unit only when a master plumber, journeyworker plumber, restricted master plumber, restricted journeyworker plumber, water conditioning master, or water conditioning journeyworker is available and

responsible for ensuring that all water conditioning installation work performed by the unlicensed individual complies with the applicable provisions of the plumbing and water conditioning codes and rules adopted pursuant to such codes. For all other water conditioning installation work, the registered unlicensed individual must be under the direct supervision of a responsible licensed water conditioning master.

(c) Water conditioning contractors employing registered unlicensed individuals to perform water conditioning installation work shall maintain records establishing compliance with this subdivision that shall identify all unlicensed individuals performing water conditioning installations, and shall permit the department to examine and copy all such records.

**Subd. 2. Journeyworker exam.**

A registered unlicensed individual who has completed 875 hours of practical water conditioning installation, servicing, and training is eligible to take the water conditioning journeyworker examination. Up to 100 hours of practical water conditioning installation and servicing experience prior to becoming a registered unlicensed individual may be applied to the practical experience requirement. However, none of this practical experience may be applied if the unlicensed individual did not have any practical experience in the 12-month period immediately prior to becoming a registered unlicensed individual.

**Subd. 3. Registration, renewals, and fees.**

An unlicensed individual may register by completing and submitting to the commissioner an application form provided by the commissioner, with all fees required by section [326B.58](#). A completed application form must state the date, the individual's age, schooling, previous experience and employer, and other information required by the commissioner. The plumbing board may prescribe rules, not inconsistent with this section, for the registration of unlicensed individuals. Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year.

**History:**

[2017 c 68 art 1 s 26](#); [c 94 art 2 s 14](#); [1Sp2017 c 7 s 8](#)

**326B.56 BONDING AND INSURANCE.**

**Subdivision 1. Bonds.**

(a) As a condition of licensing, each water conditioning contractor shall give and maintain a bond to the state as described in paragraph (b). No applicant for a water conditioning contractor license who maintains the bond under paragraph (b) shall be otherwise required to meet the bond requirements of any political subdivision.

(b) Each bond given to the state under this subdivision shall be in the penal sum of \$3,000 and must comply with section [326B.0921](#).

**Subd. 2. Insurance.**

(a) As a condition of licensing, each water conditioning contractor shall have and maintain in effect the insurance described in paragraph (b). No applicant for a water conditioning contractor license who maintains the insurance described in paragraph (b) shall be otherwise required to meet the insurance requirements of any political subdivision.

(b) The insurance shall provide coverage, including products liability coverage, for all damages in connection with licensed work for which the licensee is liable, with personal damage limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed to do business in this state and a certificate evidencing the insurance shall be filed with the commissioner. The insurance must remain in effect at all times while the application is pending and while the license is in effect. In the event of a policy cancellation, the insurer shall send written notice to the commissioner at the same time that a cancellation request is received from or a notice is sent to the insured.

Subd. 3.

[Repealed, [2010 c 347 art 3 s 75](#)]

Subd. 4.

[Repealed, [2010 c 347 art 3 s 75](#)]

**History:**

[1980 c 614 s 134](#); [1986 c 444](#); [2007 c 140 art 7 s 5,13](#); [art 13 s 4](#); [2009 c 78 art 5 s 18](#); [2010 c 347 art 3 s 40,76](#); [2010 c 384 s 89](#); [2010 c 385 s 6](#); [1Sp2011 c 4 art 3 s 25](#); [2015 c 54 art 1 s 17](#)

**326B.57 RULES.**

In order to provide effective protection of the public health, the Plumbing Board may by rule prescribe limitations on the nature of alteration to, extension of, or connection with, the said water distribution system initially established by a licensed plumber which may be performed by a person licensed hereunder. The commissioner may by rule in appropriate instances require filing of plans, blueprints and specifications prior to commencement of installation. The installation of water heaters shall not constitute water conditioning installation and consequently such work shall be accomplished in accordance with the provisions of sections [326B.42](#) to [326B.49](#).

**History:**

[1969 c 898 s 5](#); [1977 c 305 s 45](#); [1985 c 248 s 70](#); [1989 c 209 art 2 s 1](#); [2007 c 140 art 7 s 6-9,12,13](#); [art 13 s 4](#); [2010 c 183 s 14](#)

**326B.58 FEES; RENEWAL.**

(a) Each initial water conditioning master and water conditioning journeyworker license shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made.

(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of water conditioning master and journeyworker licenses from one year to two years. By June 30, 2011, all renewed water conditioning contractor licenses shall be two-year licenses. The Plumbing Board may by rule prescribe for the expiration and renewal of licenses.

(c) All water conditioning contractor licenses shall expire on December 31 of the year after issuance or renewal.

(d) For purposes of calculating license fees and renewal fees required under section [326B.092](#):

(1) a water conditioning journeyworker license shall be considered a journeyworker license;

(2) a water conditioning master license shall be considered a master license; and

(3) a water conditioning contractor license shall be considered a business license.

**History:**

[1969 c 898 s 6](#); [1974 c 471 s 17](#); [1975 c 310 s 32](#); [1977 c 305 s 45](#); [2007 c 140 art 7 s 10,13](#); [art 13 s 4](#); [2008 c 337 s 35](#); [2009 c 78 art 5 s 19](#); [2010 c 183 s 15](#); [2010 c 347 art 3 s 41,76](#); [2010 c 385 s 6](#); [1Sp2011 c 4 art 3 s 26](#); [2017 c 68 art 1 s 26](#); [1Sp2017 c 7 s 8](#)

**326B.59 STATE LICENSE; EXAMINATION; APPLICATION; EXEMPTION.**

The provisions of sections [326B.50](#) to [326B.58](#) that require licenses to engage in the work or business of water conditioning installation, and the provisions that provide for the examination of applicants for such licenses, do not apply to master plumbers and journeyworker plumbers licensed under the provisions of sections [326B.42](#) to [326B.49](#). In all areas of the state except in cities or towns with a population of more than 5,000 according to the last federal census, the provisions of sections [326B.50](#) to [326B.58](#) that require licenses to engage in the work or business of water conditioning installation, and the provisions that provide for the examination of applicants for such licenses, do not apply to restricted master plumbers and restricted journeyworker plumbers licensed under the provisions of section [326B.475](#).

**History:**

[1969 c 898 s 9](#); [1973 c 123 art 5 s 7](#); [1989 c 209 art 2 s 1](#); [2007 c 140 art 7 s 11,13](#); [art 13 s 4](#); [2010 c 183 s 16](#); [2017 c 68 art 1 s 26](#); [1Sp2017 c 7 s 8](#)