

A SunCam online continuing education course

# Minnesota Laws and Rules for Engineers

by

Mark Ludwigson



Course Outline:

Minnesota Statutes Laws of the Board Minnesota Administrative Rules Rules of the Board State Board Practice of Professional Engineering Engineering Disciplines and Competence Responsible Charge Certification Requirements Professional Conduct and Ethics Continuing Education Helpful References Examination



#### Minnesota Statutes

State laws (called statutes) are enacted by the Minnesota Legislature (called the General Assembly), which is a bicameral body made up of the State Senate and House of Representatives. When a bill has passed, it is transmitted to the Governor for signature and then becomes law. If the Governor vetoes the bill, the Legislature must override a veto with a 2/3 majority vote in both the Senate and House of Representatives for the bill to become law.





Passed bills (acts) from each legislative session are published chronologically in Session Laws. Next, the laws (called statutes) are added to the *Minnesota Statutes* in the appropriate locations with numbering, formatting, and removal of replaced or repealed statutes. Annotations are also added such as notes and references, and the resulting publication is often termed the *Minnesota Statutes Annotated*. The codified laws are cited as MN Statutes, MN Stat., or MS.

The Minnesota Statutes is divided into dozens of chapters. Laws with relevance to engineering are in Chapter 326, Sections 02 to 15, which is cited as MN Statutes 326.02-326.15, and informally called the Laws of the Board. The organization is as follows:

#### Minnesota Statutes

- Chapter 326: Employments Licensed by State
  - Sections 02 to 15: Architects, Engineers, Surveyors, Landscape Architects, Geoscientists, Interior Designers
    - Subdivisions: Various
      - Paragraphs: Various

See the "Helpful Resources" section for the website addresses with the latest laws, rules, and Board information. The laws and rules in this course are current as of November 2024.

595.pdf



#### Laws of the Board

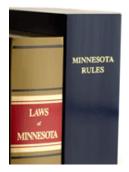
The law dedicated to the practice of engineering (and several other professions) is MN Statutes 326.02-326.15, known as the "Laws of the Board". The Laws of the Board gives authority to the *Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design* (Board) to enact the laws and manage licensing. The following is the contents with **bold** sections being of particular importance for practicing professional engineers.

MN Statutes 326.02-326.15: Architects, Engineers, Surveyors, Landscape Architects, Geoscientists, Interior Designers

- 326.02 LICENSURE OR CERTIFICATION.
- 326.03 LICENSE OR CERTIFICATE REQUIRED.
- 326.031 SPECIFICATIONS FOR PUBLIC FACILITIES, USE OF BRAND NAMES.
- 326.04 BOARD ESTABLISHED.
- 326.05 QUALIFICATIONS OF BOARD MEMBERS.
- 326.06 GENERAL POWERS AND DUTIES OF BOARD.
- 326.07 BOARD, MEETINGS, OFFICERS, QUORUM.
- 326.09 RECORDS OF BOARD.
- 326.10 LICENSURE AND CERTIFICATION.
- 326.105 FEES.
- 326.106 DEFINITIONS.
- 326.107 CONTINUING EDUCATION.
- 326.11 LICENSE AND CERTIFICATE REGULATION.
- 326.111 UNAUTHORIZED PRACTICE; DISCIPLINARY ACTION.
- 326.12 LICENSE OR CERTIFICATE AS EVIDENCE; SEAL.
- 326.13 PRACTICE EXEMPT.
- 326.14 CORPORATIONS AND PARTNERSHIPS AUTHORIZED.
- 326.15 FALSE IMPERSONATION.



#### Minnesota Administrative Rules



State laws are often high-level and lack details required for implementation. The Minnesota General Assembly delegates state agencies to manage the implementation of laws and to create rules and regulations that complement the laws. The compilation of agency regulations is called the *Minnesota Administrative Rules* and is normally cited as MN Admin. Rules, MN Rules, MAR. The regulations are enforceable just like state statutes.

Recently proposed and adopted rules are published each week in the Minnesota State Register.

The MN Rules is grouped into different state agencies (departments, divisions, districts, boards, councils, authorities, and commissions). Professional engineering is under agency "Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design", which contains Chapters 1800 and 1805. This is cited as MN Rules 1800-1805, and referred to as "Rules of the Board" in this course.

The organization is as follows:

#### WAC

- Agency A-E: Board of Architecture, Engineering, Land Surveying, Landscape
   Architecture, Geoscience, and Interior Design
  - Chapters 1800 to 1805
    - o Parts: Various
      - Subparts: Various





#### **Rules of the Board**

MN Rules 1800-1805 is known as the "Rules of the Board". It covers the professional engineering and a few other professions. The following are the contents with sections in **bold** of particular importance for practicing professional engineers.

#### MN Rules 1800-1805 - Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

#### 1800 LICENSING AND OPERATION

#### GENERALLY 1800.0050 DEFINITIONS. 1800.0100 COOPERATION IN COMMUNICATIONS. APPEARANCE BEFORE BOARD. 1800.0110 1800.0120 NOTIFICATION. 1800.0130 EXAMINATION IRREGULARITIES; CHEATING AND NONCOMPLIANT CONDUCT. SECURITY AND IRREGULARITIES. 1800.0140 1800.0200 CLASSES OF LICENSEES. IN-TRAINING CLASSIFICATIONS. 1800.0300 APPLICATION FOR EXAMINATION, IN-TRAINING 1800.0400 CLASSIFICATION, LICENSURE, CERTIFICATION AS A CERTIFIED INTERIOR DESIGNER, AND REINSTATEMENT. TEMPORARY MILITARY LICENSE OR CERTIFICATE. 1800.0450 FEES. 1800.0500 1800.0600 CERTIFICATE OF REGISTRATION. 1800.0800 PROOF OF QUALIFICATION TO PRACTICE. 1800.0850 COMITY APPLICATION PROCEDURES. 1800.0900 QUALIFICATION PROCEDURES.

#### EXAMINATION OF ARCHITECT APPLICANTS

- 1800.1000 EDUCATION AND EXPERIENCE.
- 1800.1100 PROCEDURES.
- 1800.1200 EXAMINATION.



#### EXAMINATION OF LANDSCAPE ARCHITECT APPLICANTS

- 1800.1500 EDUCATION AND EXPERIENCE.
- 1800.1700 WRITTEN EXAMINATIONS.
- 1800.1750 PROCEDURES.

#### EXAMINATION OF CERTIFIED INTERIOR

**DESIGNER APPLICANTS** 

- 1800.2100 EDUCATION AND EXPERIENCE.
- 1800.2200 PROCEDURES.

#### EXAMINATION OF ENGINEER APPLICANTS

- 1800.2500 EDUCATION AND EXPERIENCE.
- 1800.2600 ORAL INTERVIEW.
- 1800.2700 EXAMINATION.
- 1800.2800 ENGINEERS QUALIFIED BY GRADUATION, LONG EXPERIENCE, AND EXAMINATION.
- 1800.2805 QUALIFYING EXPERIENCE DEFINED.
- 1800.2900 PROCEDURES.

#### EXAMINATION OF LAND SURVEYOR APPLICANTS

- 1800.3505 EDUCATION AND EXPERIENCE.
- 1800.3600 REQUIREMENTS FOR ADMISSION TO EXAMINATION.
- 1800.3700 EXAMINATIONS.
- 1800.3750 PROCEDURES.

#### EXAMINATION OF GEOSCIENTIST APPLICANTS

- 1800.3900 GEOSCIENCE DISCIPLINES.
- 1800.3910 EDUCATION AND EXPERIENCE.
- 1800.3920 EXAMINATION.
- 1800.3930 PROCEDURES.

#### **CERTIFICATES**

1800.4000 CERTIFICATES OF RECORD FOR IN-TRAINING



CLASSIFICATION.

- 1800.4100 CERTIFICATE OF LICENSURE OR CERTIFICATION.
- 1800.4200 CERTIFICATION AND SIGNATURE.
- 1800.4300 SEAL.
- 1800.4500 INVESTIGATOR.
- 1800.4600 PROFESSIONAL FIRMS.

EXEMPT CLASSES OF BUILDINGS

1800.5000	PURPOSE.
1800.5100	DEFINITIONS.
1800.5200	GENERAL REQUIREMENT AND EXCEPTIONS.
1800.5300	PLANS SUPPLIED TO BUILDING OFFICIALS.
1800.5400	NONAPPLICABILITY OF EXEMPTIONS.
1800.5500	NONEXCLUSIVITY OF RULES.
1800.5600	SEVERABILITY.
1800.5900	CLASSES OF BUILDINGS.

#### 1805 RULES OF PROFESSIONAL CONDUCT

1805.0100	PROFESSIONAL CONDUCT.
1805.0200	<b>OBLIGATION TO PROVIDE FULL DISCLOSURE.</b>
1805.0300	CONFLICT OF INTEREST.
1805.0400	IMPROPER SOLICITATION OF EMPLOYMENT.
1805.0500	FALSE OR MALICIOUS STATEMENTS.
1805.0650	COMPETENCE.
1805.0700	COMPLIANCE WITH LAWS.
1805.0800	EMPLOYMENT PRACTICES.
1805.0900	PROFESSIONAL MISCONDUCT.
1805.1500	REGISTRATION.

1805.1600 RESPONSIBLE CHARGE AND DIRECT SUPERVISION.



#### State Board

The state agency for professional engineering is the *Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design* (AELSLAGID).



The Board regulates individuals and firms for the following professions:

- Architects
- Geoscientists (Geologists and Soil Scientists)
- Landscape Architects
- Professional Engineers
- Professional Land Surveyors
- Registered Interior Designers

The Board oversees over 12,000 professional engineers. The Board has the authority to manage and further regulate professional engineering. The Board can make modifications to Rules of the Board (MN Rules 1800-1805).



#### Board Website

The board website <https://mn.gov/aelslagid/index.html> contains the following topics:

## MINNESOTA BOARD OF AELSLAGID

About \* Get Licensed \* Manage License \* Enforcement \* Contact \*



### General Information

About the Board Apply for Appointment to the Board Board Members Board Meetings & Minutes Board Staff Location/Directions Outreach Policies & Reports FAQs Newsletters Subscribe to eNews / Social Media

## Complaints & Enforcement

Disciplinary Actions—Current Disciplinary Actions—Archive Data Practices Policy Filing a Complaint

## Examination & Licensure

Architecture Professional Engineering Land Surveying Landscape Architecture Professional Geology Professional Soil Science Certified Interior Design Licensing Information for Military Members Temporary Permits General Application Information ("Get Licensed")

## **Public Service**

General Information Filing a Complaint Find a Licensee Data Practices Policy / Other Policies & Reports Apply for Appointment to the Board as a Public Member Acknowledgment (List) of First-Time Licensees Subscribe to Board Communications

## License Renewal & Management

Renewals (Overview) | Reinstatement | Retirement Continuing Education (PDH) Verifications Stamps / Seals License Lookup Firm Registration State Licensing Boards Professional Societies Change of Address / Name

## Statutes & Rules

Board Statutes and Rules Rulemaking



#### Practice of Professional Engineering

The following is a copy-paste of the relevant laws and rules that help define the practice of professional engineering:

#### Laws of the Board

#### 326.02 LICENSURE OR CERTIFICATION.

#### Subdivision 1. Licensure or certification mandatory.

In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing, or offering to practice, architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or using the title certified interior designer in this state, either as an individual, a copartner, or as agent of another, shall be licensed or certified as hereinafter provided. It shall be unlawful for any person to practice, or to offer to practice, in this state, architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or to use the title certified interior designer, or to solicit or to contract to furnish work within the terms of sections 326.02 to 326.15, or to use in connection with the person's name, or to otherwise assume, use or advertise any title or description tending to convey the impression that the person is an architect, professional engineer (hereinafter called engineer), land surveyor, landscape architect, professional geoscientist (hereinafter called geoscientist), or certified interior designer, unless such person is gualified by licensure or certification under sections 326.02 to 326.15. This subdivision does not preclude an individual who retired from one of the professions listed in this subdivision from using the designation architect, professional engineer, land surveyor, landscape architect, professional geoscientist, or certified interior designer as long as the designation is preceded by the word "retired" and the individual was licensed or certified in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license or certification was not subsequently revoked by the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design.

. . .



#### Subd. 3. Practice of professional engineering.

(a) Any person shall be deemed to be practicing professional engineering within the meaning of sections 326.02 to 326.15 who holds out as being able to perform or who does perform any technical professional service, such as planning, design or observation of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private structures, buildings, utilities, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the principles of mathematics and the physical and applied engineering sciences, acquired by education or training, and by experience.

(b) No person other than one licensed under sections 326.02 to 326.15 as a professional engineer may:

(1) use the term "professional engineer";

(2) use any other abbreviation or term, including the initials "P.E." or "PE" by signature, verbal claim, sign, advertisement, letterhead, card, or similar means that would lead the public to believe that the person was a professional engineer; or
(3) use any means or in any other way make a representation that would lead the public to believe that the person was a professional engineer.

(c) A professional engineering license satisfies any requirements by the state or its political subdivisions to perform any actions authorized under the professional engineering license. A person licensed as a professional engineer under sections 326.02 to 326.15 shall only be required to obtain a license, certification, or other form of approval for a skill or service in addition to a professional engineering license if the state or political subdivision has made an affirmative written determination in statute, rule, or ordinance that such additional license or certification is necessary to safeguard life, health, or property, or promote the public welfare. This section does not preclude the state or a political subdivision from including additional requirements when soliciting public contracts for engineering services. This paragraph does not apply to practice areas where licenses or certifications are required prior to August 1, 2015.

#### Subd. 3a. Practice of professional geoscience.

• • •

Nothing in this subdivision shall be construed to prevent a professional engineer, as defined in sections 326.02 to 326.15, from acquiring engineering data involving soil, rock, groundwater, and other earth materials; evaluating physical and chemical



properties of soil, rock, groundwater, and other earth materials for engineering; and from utilizing these data for analysis, design, and construction. Nothing in this subdivision shall be construed to permit a professional geoscientist to engage in the practice of professional engineering, architecture, landscape architecture, or land surveying or to use the title "certified interior design" as those terms are defined in this section. Nothing in this subdivision shall be construed to regulate persons who take soil samples for the purpose of providing recommendations on crop production.

#### Subd. 4. Practice of land surveying.

• • •

Nothing contained in the provisions of sections 326.02 to 326.15, shall prohibit a licensed professional engineer, architect, landscape architect, or professional geoscientist from doing any work included in the practice of engineering, architecture, landscape architecture, and professional geoscience, if the work does not involve the establishment or reestablishment of property corners, property lines, or public land survey system corners or lines.

#### •••

#### Subd. 5. Limitation.

The provisions of sections 326.02 to 326.15 shall not apply to the preparation of plans and specifications for the erection, enlargement, or alteration of any building or other structure by any person, for that person's exclusive occupancy or use, unless such occupancy or use involves the public health or safety or the health or safety of the employees of said person, or of the buildings listed in section 326.03, subdivision 2, nor to any detailed or shop plans required to be furnished by a contractor to a registered engineer, landscape architect, architect, or certified interior designer, nor to any standardized manufactured product, nor to any construction superintendent supervising the execution of work designed by an architect, landscape architect, engineer, or certified interior designer licensed or certified in accordance with section 326.03, nor to the planning for and supervision of the construction and installation of work by an electrical or elevator contractor or master plumber as defined in and licensed pursuant to chapter 326B, where such work is within the scope of such licensed activity and not within the practice of professional engineering, or architecture, or where the person does not claim to be a certified interior designer as defined in subdivision 2, 3, or 4b.



#### 326.03 LICENSE OR CERTIFICATE REQUIRED.

#### Subdivision 1. Plans; documents.

No person, except an architect, engineer, land surveyor, landscape architect, geoscientist, or certified interior designer, licensed or certified as provided for in sections 326.02 to 326.15 shall practice architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or use the title certified interior designer, respectively, in the preparation of plans, specifications, reports, plats or other architectural, engineering, land surveying, landscape architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design documents, or in the observation of architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design projects. In preparation of such documents, reasonable care shall be given to compliance with applicable laws, ordinances, and building codes relating to design.

#### Subd. 2. Exceptions.

Nothing contained in sections 326.02 to 326.15 shall prevent persons from advertising and performing services such as consultation, investigation, or evaluation in connection with, or from making plans and specifications for, or from supervising, the erection, enlargement, or alteration of any of the following buildings: (1) dwellings for single families, and outbuildings in connection therewith, such as barns and private garages;

(2) two family dwellings;

(3) any farm building or accessory thereto; or

(4) temporary buildings or sheds used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters.

#### Subd. 3. Recording.

No plat, map, or drawing of any survey or subdivision of lands required by law to be filed or recorded with the county recorder or registered with the registrar of titles of any county, shall be filed, recorded, or registered therein unless there shall be endorsed thereon a certification by a licensed land surveyor.

#### Subd. 4. Exception for persons elected in office.

The provisions hereof shall not apply to any person holding an elective office when in discharging the duties thereof such person is required to do work or perform



service of the character of work or service usually done or performed by an architect, engineer, land surveyor, landscape architect, or geoscientist.

#### Subd. 5. Insurance companies; rating bureaus.

The provisions of sections 326.02 to 326.15 shall not apply to inspection and service work done by employees of insurance companies, their agents, or insurance rating bureaus.

#### 326.031 SPECIFICATIONS FOR PUBLIC FACILITIES, USE OF BRAND NAMES.

Any engineer, architect, certified interior designer, or other person preparing specifications with respect to a contract for the construction of any facility for the state, or any agency or department thereof, or for any county, city, town, or school district, shall at the time of submitting such specifications to the governing body of the organization requesting the specifications, submit to such body, in writing, a list showing each item in the specifications which has been specified by brand name, unless such specifications allow for the consideration of an equal.

#### 326.10 LICENSURE AND CERTIFICATION.

• • •

#### Subd. 8. Expiration and renewal.

All licenses and certificates, other than in-training certificates, issued by the board expire at midnight on June 30 of each even-numbered calendar year if not renewed. A holder of a license or certificate issued by the board may renew it by completing and filing with the board an application for renewal consisting of a fully completed form provided by the board and the fee specified in section 326.105. Both the fee and the application must be submitted at the same time and by June 30 of each even-numbered calendar year. The form must be signed by the applicant, contain all of the information requested, and clearly show that the licensee or certificate holder has completed the minimum number of required professional development hours or has been granted an exemption under section 326.107, subdivision 4. An application for renewal that does not comply with the requirements of this subdivision is an incomplete application and must not be accepted by the board.

#### Subd. 9. Reinstatement of expired license or certificate.

A licensee or certificate holder whose license or certificate has expired may reinstate the expired license or certificate by satisfying all prior continuing education requirements to a maximum of 48 professional development hours, by paying all of



the renewal fees due for all prior renewal periods that the license or certificate was expired and the current renewal period, and paying a delayed renewal fee in the amount set by the board. The continuing education requirement must be satisfied with professional development hours completed within the four years immediately prior to reinstatement and may not include any professional development hours that had previously been used to renew the license or certificate being reinstated. To reinstate an expired license or certificate, the licensee or certificate holder must file with the board an application for reinstatement consisting of a fully completed form provided by the board and the fees specified in this subdivision. The form must be signed, contain all of the information requested, and clearly show that the licensee or certificate holder either has completed the minimum number of required professional development hours or has been granted an exemption under section 326.107, subdivision 4. An application for reinstatement that does not comply with the requirements of this subdivision is an incomplete application and must not be accepted by the board.

#### Subd. 10. Temporary military license.

The board shall establish a temporary license in accordance with section 197.4552 for the practice of architecture, professional engineering, geosciences, land surveying, landscape architecture, and interior design. The fee for the temporary license under this subdivision for the practice of architecture, professional engineering, geosciences, land surveying, landscape architecture, or interior design is \$132.

#### 326.13 PRACTICE EXEMPT.

Practice of architecture, engineering, landscape architecture, land surveying, or geoscience, or use of the title certified interior designer in this state prior to licensure or certification by the board shall be permitted under the following conditions and limitations:

(1) By any person or firm not a resident of and having no established place of business in this state, or any person or firm resident in this state, but whose arrival in the state is recent; provided, however, such person or a person connected with such firm:

(i) is registered or licensed and qualified to practice such profession in a state or country to which the board grants licensure or certification by comity in accordance with the provisions of section 326.10, subdivision 1, clause (2); and



(ii) shall have filed an application for licensure as an architect, an engineer, a geoscientist, or a certified interior designer shall have paid the fee provided for in section 326.10, and shall have been notified by the board that the applicant meets the requirements for licensure or certification in this state and is entitled to receive a license or certificate, and has applied for and been granted a temporary permit to practice. Temporary permits shall be granted to do a specific job for the period stipulated on the permit.

(2) By a nonresident applicant who seeks to provide architecture, engineering, land surveying, landscape architecture, geoscience, or certified interior design services in this state if the applicant offers to practice only for the purpose of seeking to provide services, without having first been registered or certified by the state, if the applicant:
(i) is registered and qualified to practice such profession in a state or country to which the board grants registration or licensure by comity in accordance with section 326.10, subdivision 1, clause (2);

(ii) notified the board in writing that the applicant is not currently registered in this state, but will be present in this state for the purpose of seeking to provide services;(iii) delivers a copy of the notice referred to in item (ii) to every potential client for whom the applicant is seeking to provide services; and

(iv) applies within ten days to the board for licensure or certification if selected as the design professional for a project in this state; the applicant is prohibited from actually rendering services as defined within the terms of sections 326.02 to 326.15 until the applicant is licensed or certified, or obtains a temporary permit as described in clause (1).

(3) Practice as an architect, an engineer, a land surveyor, a landscape architect, or a geoscientist, or use of the title certified interior designer solely as an officer or employee of the United States.

. . .

#### Rules of the Board

#### 1800.0050 DEFINITIONS.

#### Subpart 1. Scope.

For the purposes of this chapter and chapter 1805, the terms defined in this part have the meanings given them.

#### Subp. 2. Applicant.

"Applicant" means:



A. a person applying directly to the board to take an examination, receive an intraining classification, request licensure, request certification as a certified interior designer, renew a license, renew a certificate as a certified interior designer, or request reinstatement; or

B. a person whom the board has approved for licensure or certificate holder status who has not yet received a license or certificate in Minnesota.

#### Subp. 4. Certificate holder.

"Certificate holder" means a person who is or has been certified by the board as a certified interior designer.

...

#### Subp. 11. Licensee.

"Licensee" means a person who is or has been licensed by the Minnesota board as an architect, professional engineer, land surveyor, landscape architect, professional geologist, or professional soil scientist.

#### 1800.0120 NOTIFICATION.

#### Subpart 1. Required information.

A. Each applicant, licensee, or certificate holder shall provide the board a current street address and telephone number. A post office box address is not sufficient to satisfy this requirement. Each applicant, licensee, or certificate holder must notify the board in writing of any change in address within 30 days of the change.

B. Each applicant, licensee, or certificate holder shall provide the board with a legal name change document within 30 days of any change in name.

C. Each applicant, licensee, or certificate holder must notify the board in writing within ten days if the applicant, licensee, or certificate holder has been convicted of or has pled guilty or nolo contendere to a felony, an element of which is dishonesty or fraud, whether or not the person admits guilt.

D. Each applicant, licensee, or certificate holder must notify the board in writing within 60 days if the applicant, licensee, or certificate holder has had an architecture, engineering, land surveying, landscape architecture, geoscience license, or interior design certificate, right to exam, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, in the District of Columbia, or in any foreign country.



#### 1800.5100 DEFINITIONS.

#### Subpart 1. Minnesota State Building Code (MSBC).

Terms used in parts 1800.5100 to 1800.5900 are as defined in the Minnesota State Building Code, chapter 1305, unless otherwise specified in this chapter. The abbreviation MSBC as used in this chapter means the Minnesota State Building Code.

#### Subp. 2. Occupancy.

Occupancy shall be specified by the owner and classified by the building official in the manner provided in the MSBC.

#### 1800.5200 GENERAL REQUIREMENT AND EXCEPTIONS.

#### Subpart 1. Requirement.

Plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work shall be prepared and certified by an architect or engineer licensed and practicing pursuant to Minnesota Statutes, sections 326.02 to 326.15, except as set forth in subparts 2 to 4. Subp. 2.

**Statutory exception.** Building components or classes of buildings enumerated in Minnesota Statutes, sections 326.02, subdivision 5, and 326.03, subdivision 2, clauses (1) to (4). Subp. 3.

#### Remodeling or renovation exception.

A. Any remodeling or renovation to part or all of an existing building, structure, or work which does not:

(1) change the load on its mechanical or electrical systems or change the live or dead load on its structural systems, in either case, in such a manner that a violation of the MSBC might occur;

(2) change the building's access or exit pattern in such a manner that a violation of the MSBC might occur; or

(3) change the MSBC occupancy classification of the building.



B. Any remodeling or renovation, of any kind, in a building in the MSBC occupancy classes and consistent with the size, dwelling unit, and number of stories and basement thresholds specified in part 1800.5900.

#### Subp. 4. Classes of buildings exceptions.

Any new construction of or new addition to a building in the specified MSBC occupancy classes and consistent with the size, dwelling unit, and number of stories and basement thresholds specified in part 1800.5900, provided that an exemption under this subpart shall not apply:

A. For a second new building to be constructed by the same person on the same parcel or a contiguous parcel to a new building previously exempted hereunder or for a second addition to the same building where a prior addition was exempt hereunder, in either case, within 24 calendar months after the date of building permit issuance. "Same person" means the same owner or same general contractor, or ownership or general contractor entity having one or more participants in common with the owner or general contractor of the first building. The person seeking a building permit shall certify that the same person has not utilized this exemption within the prior 24 month period. "Parcel" means a nonsubdivided tract of land.

B. For an addition to an existing building where the existing building exceeds the exemption size thresholds under this subpart if the addition results in either of the effects set forth in part 1800.5200, subpart 3, item A, subitem (1) or (2), regardless of the size of the new addition proposed.

C. For new construction within a larger building (e.g., individual shops within a shopping center) where the larger building exceeds the exemption size thresholds under this subpart if the new construction results in either of the effects set forth in part 1800.5200, subpart 3, item A, subitem (1) or (2), regardless of the size of the new construction proposed.

#### 1800.5300 PLANS SUPPLIED TO BUILDING OFFICIALS.

The exceptions in part 1800.5200, subparts 3 and 4 shall be available only if the building permit applicant supplies the responsible building official with two sets of plans and specifications for the building or remodeling. The name and address of the preparer of the plans and specifications shall appear thereon. The plan preparer



shall certify that reasonable care has been given to compliance with applicable laws, ordinances, and building codes relating to design.

#### 1800.5400 NONAPPLICABILITY OF EXEMPTIONS.

Notwithstanding the exceptions in part 1800.5200, subpart 4, the responsible building official may require plans and specifications to be designed and prepared by a licensed architect or engineer if the official finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular use.

#### 1800.5900 CLASSES OF BUILDINGS.

In accordance with Minnesota Statutes, sections 326.02, subdivision 5, and 326.03, subdivision 2, the following classes of buildings are exempt subject to the limitations of the elements listed below:

<u>Classifications</u> Assembly (as defined by the MSBC under occupancy group A2: Dining and drinking less than 50 persons)	Elements that must be met to be exempt* Not greater than one story with no basement; and Seating for not more than 20 persons; and Not greater than 1,000 gross square footage (GSF)
Business (as defined by the MSBC under occupancy group B)	Not greater than two story with a basement; and Not greater than 2,250 GSF
Factory (as defined by the MSBC under occupancy group F2)	Not greater than one story with no basement; and Not greater than 3,000 GSF
Mercantile (as defined by the MSBC under occupancy group M)	Not greater than two story with a basement; and Not greater than 1,500 GSF
Residential (as defined by the MSBC under occupancy group R)	Apartment houses/condominiums (three units or less), dwellings, lodging houses, attached single-family dwellings/townhomes, and congregate residences (each accommodating ten persons or less)
Storage (as defined by the MSBC under occupancy group S1: Aircraft hangars and helistops)	Not greater than one story with no basement; and Not greater than 3,000 GSF
Storage (as defined by the MSBC under occupancy group S2 except for parking garages, open or enclosed)	Not greater than one story with no basement; and Not greater than 5,000 GSF



Utility (as defined by the MSBC under occupancy group U except for fences higher than 8', tanks and towers, and retaining walls with over 4' of vertical exposed face) Not greater than one story with no basement; and Not greater than 1,000 GSF

\*All terms used in this table are defined in the Minnesota State Building Code (MSBC).



#### Engineering Disciplines and Competence

An engineers initial area of practice (a.k.a. area of competency, discipline, or branch) is typically identified through NCEES P.E. examination and initial licensure. A licensee can take additional exams to gain qualifications in multiple disciplines. The Board keeps a roster of a licensee's qualified discipline(s). Discipline names are not listed on seals.

Licensees should only undertake assignments in which they are competent in the specific technical fields, as **qualified by education, training, and experience,** and should only certify (sign and seal) documents with subject matter in which they have **competence**. As longs as these requirements are satisfied, a licensee can perform services in any branch of engineering.

An engineer can be responsible for "**coordinating an entire project**", provided there is a responsible licensee for each individual discipline.

#### Rules of the Board

#### 1800.4200 CERTIFICATION AND SIGNATURE.

Subp. 1a. Licensee or certificate holder duties.

•••

B. The licensee shall sign and certify only work within the licensee's or certificate holder's **area of licensure** or certification. ...

C. A licensee or certificate holder shall not affix a signature or certification to any plans or documents dealing with subject matter in which the licensee or certificate holder lacks **competence**.

•••

E. A licensee or certificate holder may accept assignments for **coordinating an entire project**, provided that each design discipline signs and certifies as the licensee or certificate holder responsible for preparing their design.

#### Subp. 3. Certification.

B. The official roster designates the **branch of engineering** in which the licensed engineer was examined. An applicant for licensure as a professional engineer is



examined in the **branch of engineering** that the applicant selects and in which the applicant is deemed **qualified** by the board.

C. A professional engineer may engage in practice in any **branch of engineering** in which the professional engineer is **competent** and **qualified by education**, **examination**, **or experience**. A professional engineer who certifies and signs plans, specifications, reports, or other documents may be required to establish, to the satisfaction of the board, that the work was performed according to recognized and acceptable engineering standards and practice.

#### 1805.0650 COMPETENCE.

#### Subpart 1. Standards of competence.

In practicing architecture, engineering, land surveying, landscape architecture, or geoscience, or when using the title of certified interior designer, each licensee or certificate holder shall act with reasonable care and **competence** and shall apply the knowledge and skill that is ordinarily applied by such professionals.

#### Subp. 2. Conformance with state and local laws and regulations.

When providing professional services, a licensee or certificate holder shall not violate applicable state and local laws and regulations. Notwithstanding the duty of licensees and certificate holders to follow the law, in proceedings before the board, the board shall consider whether a licensee's or certificate holder's violation follows from incorrect advice on the meaning of a statute or regulation. In such a circumstance, the board shall consider the reasonableness of the licensee's or certificate holder's reliance on the incorrect advice in determining the appropriate sanction, if any, for the violation.

#### Subp. 3. Qualifications for performing professional services.

A licensee or certificate holder shall perform professional services only when the licensee or certificate holder, together with those whom the licensee or certificate holder may engage as consultants, is **qualified by education, training, and experience** in the specific technical areas involved.



#### Responsible Charge

Engineering design work must be prepared under a responsible licensee that **determines and reviews design criteria**, **advises with the client**, and has **direct supervision** of subordinates. This is referred to as having "**responsible charge**" for the engineering work. The engineer with **responsible charge** signs and seals documents produced under their **responsibility**, and is often referred to as the "engineer of record", although that term is not used in Minnesota laws and rules. A typical project has multiple responsible engineers, one for each design discipline (civil, structural, mechanical, electrical, etc.).

**Responsible charge can** also refer to the management of a field of engineering practice within an organization.

#### Rules of the Board

#### 1800.4200 CERTIFICATION AND SIGNATURE.

#### Subpart 1. Requirement; generally.

... A person in **direct supervision** of work as referred to in the foregoing subdivision is construed to mean the person whose professional skill and judgment are embodied in the document signed, and who assumes responsibility for the accuracy and adequacy thereof.

#### Subp. 1a. Licensee or certificate holder duties.

... D. A licensee or certificate holder shall not affix a signature or certification to any plan or document not prepared under the licensee's or certificate holder's **responsible charge**.

...

#### 1805.1600 RESPONSIBLE CHARGE AND DIRECT SUPERVISION.

#### Subpart 1. Responsible charge; defined.

A person in **responsible charge** of architectural, engineering, land surveying, landscape architectural, geoscience, or certified interior design work as used in Minnesota Statutes, section 326.14, means the person who **determines and reviews design criteria**, including technical aspects, **advises with the client**, and has **direct supervision** of subordinates during the course of the work and, in



general, the person whose professional skill and judgment are embodied in the plans, designs, and advice involved in the work.

#### Subp. 2. Direct supervision; defined.

A person in "direct supervision" of work as referred to in Minnesota Statutes, section 326.12, subdivision 3, means that person who is the employer, an employee of the same firm, or who is under contract to or from another firm and who is in **responsible charge** of the technical aspects of the architectural, engineering, land surveying, landscape architectural, geoscience, or certified interior design work in progress, and whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in **direct supervision** of work directs the work of other licensees, unlicensed professionals, technicians, and clerical persons assigned to that work and is in **responsible charge** of the project comprising the work being supervised.

#### <u>NSPE</u>

Responsible charge is also defined in a National Society of Professional Engineers (NSPE) reference document, and copied below for convenience.

#### NSPE Position Statement No. 10-1778

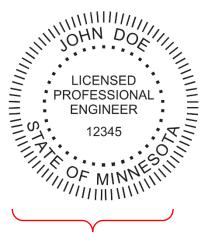
- Defines "responsible charge" as the <u>direct control</u> and <u>personal supervision</u> of engineering work.
- The professional engineer in **responsible charge** is actively engaged in the engineering process, from conception to completion.
- Engineering decisions must be personally made by the professional engineer or by others over which the professional engineer provides <u>supervisory direction</u> and <u>control authority</u>.
- Reviewing drawings or documents after their completion without involvement in the design and development process appears not to satisfy the definition of **responsible charge**.



#### **Certification Requirements**

Signature and certification requirements are found in Laws and Rules of the Board. Here are highlights that may differ from requirements in other states:

- Must use certification statement/stamp; adding a seal is optional (see below)
- Sign, date, and add license number to certification (see below)
  - License number and printed name can be part of certification stamp or printed image
- Ink color not specified
- Must certify each drawing
- Multipage documents (reports, studies, calculations, etc.) must be certified on the title or index page; each P.E. must certify if multiple licensees
- Acceptable forms of signature:
  - Rubber ink stamp or printed image of certification statement with original hand signature and date
  - Digital/electronic signature
    - Digital seal image with digital signature
    - Signature logically attached to document
    - Executed by licensee with the intent to sign
    - Adobe, Bluebeam, & DocuSign e-signatures appear acceptable



Seal is Optional

Professional Engin
--------------------

I hereby certify that this plan, specification, or report was				
prepared by me or under my direct supervision and that I am				
a duly Licensed Professional Engineer under the laws of the				
state of Minnesota. John M. Doe				
Typed or Printed Name: John M. Doe				
Date: 2-29-2025 License Number: 12345				

**Certification is Required** 



Laws and Rules

The following is a copy-paste of the relevant laws and rules:

#### Laws of the Board

#### 325L.02 DEFINITIONS.

•••

(e) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

•••

(g) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(h) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

#### 326.12 LICENSE OR CERTIFICATE AS EVIDENCE; SEAL.

• • •

#### Subd. 2.Seal.

Each licensee or certificate holder may, upon licensure or certification, obtain a seal bearing the licensee's or certificate holder's name and the legend "licensed architect," "licensed professional engineer," "licensed land surveyor," "licensed landscape architect," the appropriate licensed professional geoscientist legend as defined by the board, or "certified interior designer." Plans, specifications, plats, reports, and other documents prepared by a licensee or certificate holder may be stamped with the seal during the life of the license or certificate. A rubber stamp facsimile thereof may be used in lieu of the seal on tracings from which prints are to be made or on papers which would be damaged by the regular seal. It shall be unlawful for any one to stamp or seal any document with the stamp or seal after the license or certificate has expired, been revoked or suspended, unless said license or certificate shall have been renewed or reissued.

#### Subd. 3. Certified signature.

Each plan, drawing, specification, plat, report, or other document which under sections 326.02 to 326.15 is prepared by a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer must bear the signature of the licensed or certified person



preparing it, or the signature of the licensed or certified person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is licensed or certified under sections 326.02 to 326.15, by the person's license or certificate number, and by the date on which the signature was affixed.

The provisions of this paragraph shall not apply to any plans, drawings, specifications, plats, reports, or other documents of an intraoffice or intracompany nature or that are considered to be drafts or of a preliminary, schematic, or design development nature by licensed or certified individuals who would normally be responsible for their preparation.

The required signature and certification must appear on all pages of plans and drawings that must be signed, but only on the first page of specifications, plats, reports, or other documents that must be signed. A stamp, printed signature, or electronically created signature has the same force and effect as an actual signature if it creates an accurate depiction of the licensed or certified professional's actual signature.

#### Rules of the Board

#### 1800.4200 CERTIFICATION AND SIGNATURE.

#### Subpart 1. Requirement; generally.

The certification and signature on plans, drawings, specifications, plats, reports, and other documents that require a signature is mandatory, as provided by Minnesota Statutes, section 326.12, subdivision 3. The certification and signature may be electronic, as defined by Minnesota Statutes, section 325L.02, paragraph (h); facsimile; or digital. A person in direct supervision of work as referred to in the foregoing subdivision is construed to mean the person whose professional skill and judgment are embodied in the document signed, and who assumes responsibility for the accuracy and adequacy thereof.

#### Subp. 1a. Licensee or certificate holder duties.

A. A licensee or certificate holder shall sign and certify documents and surveys that safeguard the health, safety, and welfare of the public.

•••



#### Subp. 3. Certification.

The certification by each of the professions responsible for the preparation of bound specifications, plats, reports, or other documents must be shown on the title sheet, first sheets, or certification page. The certification by each of the professions responsible for the preparation of plans or drawings must be shown on each sheet of the set of plans or drawings.

A. The board licenses applicants as an architect, a professional engineer, a land surveyor, a landscape architect, a professional geologist, or a professional soil scientist.

•••

#### Subp. 4. Language.

The following wording shall be incorporated in the certification:

...

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

•••

#### Documents requiring signature and certification.

The following documents must be signed and certified:

A. the certification page of each report;

B. legal descriptions prepared by a land surveyor; and

C. other documents that require a signature according to Minnesota Statutes,

section 326.12, subdivision 3.

#### Subp. 5. Permanence of document certification.

When a document has been certified with the signature of the design professional as specified in subparts 1 to 4, that signature becomes a permanent part of that document and must not be removed at a later date for any reason.

#### 1800.4300 SEAL.

Each person may, upon licensure or certification, also obtain a seal bearing the licensee's or certificate holder's name and the legend, licensed architect, licensed professional engineer, licensed land surveyor, licensed landscape architect, licensed



professional geologist, licensed professional soil scientist, or certified interior designer. Plans, specifications, plats, reports, and other documents prepared by a licensee or certificate holder may be stamped with the seal during the life of a licensee's license or certificate holder's certificate if it remains unrevoked, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certification required under part 1800.4200.

#### Board Website

#### Instructions for Certification and Signatures on Plans

The certification and signature on plans, specifications, plats, reports, etc., is mandatory. Please review MN Statute 326.12 Subd. 2-3 and MN Rule 1800.4200 to ensure you understand and are compliant with all requirements.

The examples below illustrate how you can present the required certification language and signature for inclusion on documents. You may vary the size of the text and spacing of lines to suit your needs. You may choose to create a rubber stamp/seal—or simply print the language directly on documents and then sign (a seal is not required).

#### **Stamp Language**

The examples below illustrate how the required certification language and signature can be presented for inclusion on documents. The following wording must be incorporated.

#### **Professional Engineer**

I hereby certify that this plan, specification, or report was
prepared by me or under my direct supervision and that I am
a duly Licensed Professional Engineer under the laws of the
state of Minnesota.

Signature:

Typed or Printed Name:	
Date:	License Number:



#### Professional Conduct and Ethics

The following laws and rules help define professional conduct and ethical requirements.

#### Laws of the Board

#### 326.11 LICENSE AND CERTIFICATE REGULATION.

#### Subdivision 1. Revocation or suspension.

The board shall have the power to revoke or suspend the license or certificate of any architect, engineer, land surveyor, landscape architect, geoscientist, or certified interior designer, who is found guilty by the board of any fraud or deceit in obtaining a license or certificate, or of attaching the licensee's or certificate holder's seal or signature to any plan, specification, report, plat, or other architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design document not prepared by the person signing or sealing it or under that person's direct supervision, or of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or interior design, or upon conviction of any violation of sections 326.02 to 326.15 or amendments thereof, or of any crime involving moral turpitude or upon adjudication of insanity or incompetency.

The board may reissue a license to any person whose license has been suspended or revoked upon application for relicensure.

#### Subd. 6. Replacement.

A new license to replace any license revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the board.

#### 326.111 UNAUTHORIZED PRACTICE; DISCIPLINARY ACTION.

• • •

#### Subd. 4. Actions against applicants and licensees.

(a) The board may, by order, deny, refuse to renew, suspend, temporarily suspend, or revoke the application, license, or certification of a person; censure or reprimand that person; condition or limit the person's practice; refuse to permit a person to sit for examination; or refuse to release the person's examination grades if the board



finds that the order is in the public interest and the applicant, licensee, or certificate holder:

(1) has violated a statute, rule, or order that the board has issued or is empowered to enforce;

(2) has engaged in conduct or acts that are fraudulent, deceptive, or dishonest whether or not the conduct or acts relate to the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or certified interior design, providing that the fraudulent, deceptive, or dishonest conduct or acts reflect adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or certified interior design;

(3) has engaged in conduct or acts that are negligent or otherwise in violation of the standards established by Minnesota Rules, chapters 1800 and 1805, where the conduct or acts relate to the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or use of the title certified interior designer;
(4) has been convicted of or has pled guilty or nolo contendere to a felony, an element of which is dishonesty or fraud, whether or not the person admits guilt, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or has engaged in conduct reflecting adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or use of the title certified interior designer;

(5) employed fraud or deception in obtaining a certificate, license, renewal, or reinstatement or in passing all or a portion of the examination;

(6) has had the person's architecture, engineering, land surveying, landscape architecture, geoscience, or interior design license, certificate, right to examine, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, in the District of Columbia, or in any foreign country;

(7) has had the person's right to practice before any federal, state, or other government agency revoked, suspended, canceled, limited, or not renewed;(8) failed to meet any requirement for the issuance or renewal of the person's license or certificate;

(9) has attached the person's seal or signature to a plan, specification, report, plat, or other architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design document not prepared by the person sealing or signing it or under that person's direct supervision; or

595.pdf



(10) with respect to temporary suspension orders, has committed an act, engaged in conduct, or committed practices that may, or has in the opinion of the board, or the complaint committee if authorized by the board, resulted in an immediate threat to the public.

(b) In lieu of or in addition to any remedy provided in paragraph (a), the board may require, as a condition of continued licensure, possession of certificate, termination of suspension, reinstatement of license or certificate, examination, or release of examination grades, that the person:

(1) submit to a quality review of the person's ability, skills, or quality of work, conducted in such fashion and by such persons, entity, or entities as the board may require including, but not limited to, remedial education courses; and

(2) complete to the satisfaction of the board such continuing professional education courses as the board may specify by rule.

(c) Service of the order is effective if the order is served on the licensee, certificate holder, applicant, person, or counsel of record personally or by certified mail, to the most recent address provided to the board for the licensee, certificate holder, applicant, person, or counsel of record. The order shall state the reasons for the entry of the order.

(d) All hearings required by this section shall be conducted in accordance with chapter 14, except with respect to temporary suspension orders, as provided for in subdivision 5, paragraph (d).

#### 326.15 FALSE IMPERSONATION.

It shall be unlawful for any person to present or attempt to use as the person's own the seal or certificate of another, or to give false or forged evidence of any kind to the board, or any member thereof, or to falsely impersonate any licensee or certificate holder of like or different name, or to use or attempt to use as the person's own the license of another issued by any authority outside of this state, or to use or attempt to use an expired or revoked or suspended license.

#### Rules of the Board

#### 1800.0100 COOPERATION IN COMMUNICATIONS.

An applicant, licensee, or certificate holder shall respond to communications from the board, committees of the board, or the assistant attorney general on behalf of the board within 30 days of the mailing of communications, unless an earlier response is specified. An applicant, licensee, or certificate holder shall appear



before the board, committees of the board, or the attorney general when requested to do so and provide copies of all pertinent records, including handwriting samples, to assist the board in its investigations. An applicant, licensee, or certificate holder shall sign an authorization letter giving the board access to information relating to a board investigation that is held by any federal, state, or other local government agency or professional organization, the subject matter of which pertains to conduct described in Minnesota Statutes, sections 326.02 to 326.15, when requested to do so by the board or by the attorney general.

#### 1805.0100 PROFESSIONAL CONDUCT.

#### Subpart 1. Purpose.

This chapter on professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying, landscape architecture, and geoscience, and the use of the title of certified interior design.

#### Subp. 2. Scope.

This chapter is applicable to and binding upon each person, corporation, or partnership subject to the regulatory jurisdiction of the board.

#### Subp. 3. Professional responsibility.

A. The professional conduct of a licensee or certificate holder must be in accordance with this chapter.

B. When providing professional services, the licensee's or certificate holder's primary responsibility is the protection of the public's health, safety, and welfare.

#### 1805.0200 OBLIGATION TO PROVIDE FULL DISCLOSURE.

#### Subpart 1. Public statements.

A. A licensee or certificate holder shall avoid any act that may diminish public confidence in the profession and shall, at all times, conduct himself or herself, in all relations with clients and the public, so as to maintain its reputation for professional integrity.

B. A licensee or certificate holder shall be objective and truthful in all professional documents, including but not limited to plans, reports, statements, or testimony. The licensee or certificate holder shall consider relevant and pertinent information in such



documents or testimony and express professional opinions publicly only when they are founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

#### Subp. 1a. Credit.

In connection with the work for which the licensee or certificate holder is claiming credit, the licensee or certificate holder shall accurately represent the licensee's or certificate holder's qualifications, education, and scope of responsibility for the work. The licensee or certificate holder shall also accurately represent the qualifications, education, and scope of responsibility of any employer, employees, or associates.

#### Subp. 2. False statements and nondisclosure.

A licensee or certificate holder shall not make a false statement or fail to disclose a material fact requested in connection with an application for certification, licensure, or renewal in this state or any other state.

#### Subp. 3. Knowledge of unqualified applicants.

A. A licensee or certificate holder shall not endorse an application for certification or licensure of another person known by the licensee or certificate holder to be unqualified in respect to character, education, experience, or other relevant factor.

B. A licensee or certificate holder possessing knowledge of an applicant's qualifications for examination, licensure, or certification shall cooperate with the applicant and the board by responding regarding those qualifications when requested to do so. A licensee or certificate holder shall provide verification of employment and experience earned by an applicant under supervision if there is reasonable assurance that the facts to be verified are accurate. A licensee or certificate holder shall not knowingly sign a verification document that contains false or misleading information.

#### Subp. 3a. Knowledge of improper conduct by others.

A licensee or certificate holder possessing knowledge of any acts prohibited by this chapter, chapter 1800, or Minnesota Statutes, sections 326.02 to 326.15, by a licensee, certificate holder, or unlicensed individual shall report such knowledge to the board.



Upon questioning by the board or its representative during an official inquiry into an alleged act, a licensee or certificate holder shall disclose any knowledge the licensee or certificate holder may have in the matter.

## Subp. 4. General prohibitions.

A licensee or certificate holder shall not:

- A. circumvent a rule of professional conduct through actions of another;
- B. engage in illegal conduct involving moral turpitude;
- C. engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

D. engage in conduct that adversely reflects on the licensee's fitness to practice the profession; or

E. permit the licensee's or certificate holder's name or seal to be affixed to plans, specifications, or other documents that were not prepared by or under the direct supervision of the licensee or certificate holder.

## 1805.0300 CONFLICT OF INTEREST.

## Subpart 1. Employment.

A licensee or certificate holder shall not accept a project where a duty to the client or the public would conflict with the personal interest of the licensee or certificate holder or the interest of another client. Prior to accepting a project, the licensee or certificate holder shall disclose to a prospective client such facts as may give rise to a conflict of interest.

## Subp. 2. Compensation.

A licensee or certificate holder shall not accept compensation for services relating or pertaining to the same project from more than one party unless:

A. there is a unity of interest between or among the parties to the project;

B. the licensee or certificate holder makes full disclosure; and

C. the licensee or certificate holder obtains the express consent of all parties from whom compensation will be received.

# Subp. 3. Gifts.

A. Without the knowledge and approval of the client or the employer, a licensee or certificate holder shall not, directly or indirectly, solicit or accept any compensation, gratuity, or item of value from contractors, their agents, material or equipment



suppliers, or other persons dealing with the client or employer in connection with the work for which the licensee or certificate holder has been retained.

B. A licensee or certificate holder shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensee or certificate holder is interested or involved.

### Subp. 4. Interpretations.

When acting as the interpreter of project contract documents or as the judge of contract performance, a licensee or certificate holder shall render decisions impartially, using the professional judgment of their licensed or certified discipline.

## 1805.0400 IMPROPER SOLICITATION OF EMPLOYMENT.

A. A licensee or certificate holder shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training, or experience.

B. A licensee or certificate holder shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A licensee or certificate holder is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

## 1805.0500 FALSE OR MALICIOUS STATEMENTS.

A licensee or certificate holder shall not make false or malicious statements that may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

### 1805.0700 COMPLIANCE WITH LAWS.

### Subpart 1. Violation of laws.

Convictions of a felony without restoration of civil rights, or disciplinary action taken against a licensee or certificate holder by another jurisdiction, if for cause which in the state of Minnesota would constitute a violation of law or of these rules, shall be deemed to be a violation of these rules of professional conduct.



### Subp. 2. Incompetence.

A licensee or certificate holder adjudged mentally incompetent by a court of competent jurisdiction shall, until restored to mental competency, be deemed to be incompetent to practice the profession within the meaning of Minnesota Statutes, section 326.11, subdivision 1.

### 1805.0800 EMPLOYMENT PRACTICES.

A licensee or certificate holder, as an employer, shall refrain from engaging in any discriminatory employment practice prohibited by law.

### 1805.0900 PROFESSIONAL MISCONDUCT.

Misconduct within the meaning of Minnesota Statutes, section 326.11, subdivision 1, shall include any act or practice in violation of the rules of professional conduct in this chapter. A licensee or certificate holder shall not engage in conduct involving bribery, collusion, corruption, fraud, or malfeasance.



## **Continuing Education**

Per Laws of the Board MN Stat. 326.107, the following continuing education is required every 2-year renewal period, where PDH is a professional development hour:

- Minimum 24 PDH total
- Minimum 2 PDH in professional ethics
- Courses must have a clear purpose and objective that will maintain, improve, or expand existing professional skills and knowledge or develop new and relevant skills and knowledge.
- Board does NOT pre-approve providers or specific courses for engineering
- Maximum 12 PDH can carry forward for next renewal
  - Carryover cant be used to satisfy ethics PDH requirements
- Retain PDH records for 2 years
- Renewal date is June 30 of even years

### Laws and Rules

Here is a copy-paste of the relevant laws and rules:

### Laws of the Board

## 326.106 DEFINITIONS.

### Subdivision 1. Scope.

The terms used in section 326.107 have the meanings given them in this section.

### Subd. 2. Biennial renewal.

"Biennial renewal" means a period of time consisting of two consecutive 12-month periods ending on June 30 of each even-numbered year.

### Subd. 3. Dual license or certificate holder.

"Dual license or certificate holder" means a person who is licensed or certified in two professions regulated by the board.

## Subd. 4. Professional development hours.

"Professional development hours" means contact hours consisting of not less than 50 minutes each of instruction or presentation meeting the requirements of section 326.107.



# 326.107 CONTINUING EDUCATION.

## Subdivision 1. Requirements.

(a) Architects, professional engineers, land surveyors, landscape architects, geoscientists, and interior designers licensed or certified by this board must obtain the number of professional development hours described in paragraphs (b) to (d) during each two-year period of licensure or certification identified in section 326.105. This requirement must be satisfied during the two-year period prior to biennial renewal except for a carryover permitted from the previous renewal period, which must not exceed 50 percent of the biennial requirement of professional development hours.

(b) Licensed professional engineers must earn a minimum of 24 professional development hours, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted. The ethics hours must have been earned during the biennium to which they are applied and shall not be used toward carryover.

(c) Licensed architects, land surveyors, landscape architects, geoscientists, and certified interior designers must earn a minimum of 24 professional development hours, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted. The ethics hours must have been earned during the biennium to which they are applied and shall not be used toward carryover.

(d) Dual license or certificate holders who have obtained a license or certificate for two professions must earn professional development hours required by the license or certificate requiring the greatest number of professional development hours and must obtain in each profession a minimum of one-third of the total professional development hours required. The remaining one-third requirement may be obtained in either profession at the sole discretion of the licensee or certificate holder.

## Subd. 2. Programs and activities.

Continuing education must consist of learning experiences which enhance and expand the skills, knowledge, and abilities of practicing professionals to remain current and render competent professional services to the public. Practitioners may pursue technical, nontechnical, regulatory, ethical, and business practice needs for a well-rounded education provided the education directly benefits the health, safety, or



welfare of the public. Continuing education activities which satisfy the professional development requirement include, but are not limited to, the following:

(1) completing or auditing college-sponsored courses;

(2) completing self-study college or non-college-sponsored courses, presented by correspondence, Internet, television, video, or audio, ending with examination or other verification processes;

(3) participation in seminars, tutorials, televised or videotaped courses, or short courses;

(4) attending self-sponsored and prepared in-house educational programs;

(5) completing a study tour with a structured program resulting in a written or visual presentation by the licensee or certificate holder;

(6) presenting or instructing qualifying courses or seminars. Professional development hours may be earned for preparation time for the initial presentation;
(7) authoring published papers, articles, or books. Professional development hours earned may equal preparation time spent, may be claimed only following publication, and shall be given for authorship or presentation, but not for both;

(8) participating in professional examination grading or writing. A maximum of five professional development hours per biennium may be applied from this source. The hours from this source must have been earned during the biennium to which they are applied and shall not be used toward carryover;

(9) providing professional service to the public which draws upon the licensee's or certificate holder's professional expertise on boards, commissions, and committees such as planning commissions, building code advisory boards, urban renewal boards, or non-work-related volunteer service. A maximum of ten professional development hours per biennium may be applied from this source regardless of the number of boards, commissions, and committees the licensee or certificate holder serves. The hours from this source must have been earned during the biennium to which they are applied and shall not be used toward carryover; and

(10) patents, after they are granted, for a credit of ten professional development hours. The patent must have been granted during the biennium to which the hours are applied and shall not be used toward carryover.

# Subd. 3. Criteria.

(a) Continuing education courses and activities must meet the criteria in paragraphs(b) to (f).



(b) There must be a clear purpose and objective for each activity which will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or certification or develop new and relevant skills and knowledge.

(c) The content of each presentation must be well organized and presented in a sequential manner.

(d) There must be evidence of preplanning which must include the opportunity for input by the target group to be served.

(e) The presentation must be made by persons who are well qualified by education or experience.

(f) There must be a provision for documentation of the individual's participation in the activity, including information required for record keeping and reporting.

## Subd. 4. Exemptions.

The following licensees or certificate holders are exempt from the continuing education requirements:

(1) a new licensee or certificate holder for the individual's first biennial renewal; or

(2) a licensee or certificate holder who has experienced during the biennial renewal a serious illness, injury, or other extenuating circumstances, or who has been called to active duty in the military services for a period of time exceeding 120 consecutive days, as reviewed and approved by the board, and where such activities restrict compliance with the continuing education requirements, as supported by documentation furnished to the board.

## Subd. 7. Reports and records.

The licensee or certificate holder shall maintain a file in which records of courses and activities are kept, including dates, subjects, duration of programs, sponsoring organization, professional development hours earned, registration receipts where appropriate, and other pertinent documentation, for a period of four years after the end of the licensure period for which the hours apply. This information may be required to be produced by licensees or certificate holders. The board may require a licensee or certificate holder to produce this information in connection with verification of a renewal application, a random audit conducted by the board, or upon receipt of a complaint alleging noncompliance on the part of a licensee or certificate holder.



### Subd. 8. Noncompliance.

If the board rejects professional development hours reported by a licensee or certificate holder in an amount sufficient to reduce the number of nonrejected professional development hours below the required minimum number, the licensee or certificate holder must be notified of the board's rejection of the hours. The licensee or certificate holder has 180 days after notification to substantiate the validity of the rejected hours or to earn other qualifying hours to meet the minimum requirement. The board's rejection of any professional development hours submitted during this 180-day cure period does not extend or expand the cure period. If the board does not reinstate a sufficient number of the rejected professional development hours to meet the required minimum number of professional development hours, or the licensee or certificate holder does not complete or substantiate that the individual has completed other qualifying professional development hours to meet the required minimum number of professional development hours within the specified period of time, the individual's licensure or certification shall be suspended. Professional development hours earned within the 180-day cure period and applied to current renewal may not be applied to the requirements for the following biennial renewal.

### Board Website

The Board does not have a list of specific continuing education programs or activities available to complete the CE requirement. The Board does not preapprove any continuing education providers.

In choosing continuing education, make your selections based upon the knowledge of the presenter, their ability to provide the documentation you will need if you are audited by the Board, and whether the content forwards your development as a licensed professional.

In other words, select continuing education based upon your assessment of its ability to meet the requirements in Minnesota Statutes, section 326.107.

Reminder: You must report a minimum of 2 professional development hours in professional ethics earned in the current period to renew your license/certificate for the next period.



# **Continuing Education FAQs**

### **Basic Requirements**

All licensees or certificate holders (with the exceptions noted below) must obtain 24 professional development hours (PDH). Two of those hours must be dedicated to **professional (but not necessarily profession-specific) ethics** and those ethics hours must be earned during the proper period (they cannot be carried forward as ethics hours). A PDH hour is defined as no less than 50 minutes (MN Statute 326.106, Subd. 4).

The PDH requirements must be satisfied during the two-year period prior to biennial renewal (except for permitted carryover—see below for details). For example, PDH for the 2024-2026 renewal is earned between July 1, 2022, and June 30, 2024 (or the date you renew, whichever is first).

## **Continuing Education Tools & Forms**

### CE Assessment Form

An **optional** tool to help you determine what meets the statutory requirements for continuing education. You may also keep as part of your record of continuing education.

## CE Documenting Form

An **optional** tool to keep a tally of your PDH over the reporting period.

### **CE Record Checklist**

An **optional** checklist to help you keep track of documentation you need to keep.

### Exemption Request Form

A **required** form **if** you need to request exemption from the continuing education requirement due to military service, illness, injury, or other extenuating circumstance. You must also provide supporting documentation.

## **Carryover Hours**

Carryover of PDH as general PDH credits from the previous renewal period is permitted (for certain PDH types), but carryover is limited to 50 percent (12 hours) of the biennial requirement of PDH.



As stated, all carryover is considered "general" PDH. Professional ethics hours must have been earned during the biennium to which they are applied and cannot be carried over as "ethics hours."

For example: If you earned 26 hours for a prior renewal period, of which four were professional ethics, you would have two hours that could be carried over to the next period as "general" hours; you would still need to take two hours of ethics in the next period to meet the biennial ethics requirement. Even if all 26 hours were in professional ethics, the two credits carry over as "general credits."

Prior to the opening of renewals, you can use the method described below to check online if you have carryover. During renewals, the Board provides a list. The link below is to a list that shows alphabetically all individuals who have carryover from their 2022-2024 renewal that they can be used toward their 2024-2026 renewal. (The list was generated in January 2024. Carryover hours for anyone who late renewed or reinstated after that date will not show.)

## Carryover Lookup Prior to Renewals Open

	BOARD OF ARCHITECTURE = ENGINEERING LAND SURVEYING = LANDSCAPE ARCHITECTURE GEOSCIENCE = INTERIOR DESIGN
	85 E. 7th Place, Suite 160 St. Paul, MN 55101 Phone: 651.296.2388 Fax: 651.297.5310
	Online Renewal Application Summary
Confirmation #: AELAE Transaction Date: 5/2/20	EL000119567 22
Pat Smith 1123 N North St. St. Paul, MN 55101	Total PDH Submitted = 43 including a minimum of 2 PDH in ethics Carryover to 2024-2026 Renewal = 12

To check whether/how many hours the Board has recorded for you as carryover, log into Online Renewal Services. Your previous renewal confirmation will show. Click the green "View Renewal Report" button.



When you view the report, you'll see a statement to the right. Next to the statement "Carryover to 2024-2026 Renewal," you'll see a number between 0 and 12. In the example image, it says "Carryover to 2024-2026 Renewal = 12". Whatever number your statement lists, this represents your carryover PDH.

A reminder that ethics PDH is never carried over. If you were first licensed in Minnesota on or after July 1, 2022, you will you not be able to log into Online Renewals and will not, in any case, have carryover CE having never renewed and having no CE obligation this initial renewal period.

## **Dual Licensure**

Dual license or certificate holders must meet the same PDH requirements as single license or certificate holders with the following exception: Dual holders must obtain in each profession a minimum of one-third of the total professional development hours required. The remaining one-third may be obtained in either profession at the sole discretion of the licensee or certificate holder.

For example: Someone with an architect license who is also a certified interior designer must earn:

- 8 hours that address their professional development as an architect
- 8 hours that address their professional development as a certified interior designer
- 8 additional hours divided in any manner between the professions
- Of the 24 total, 2 hours must be in professional ethics

## New Licensee Exemption

New licensees and new certificate holders are exempt from continuing education reporting for their first biennial renewal. Simply stated, this means they do not need to earn or report CE for that first renewal. This exemption is automatic; if you are renewing for the first time, you do not need to apply to receive this exemption. **Please note:** You cannot carry over any professional development hours from an exempt period.

# **Exemption Due to Hardship**

A licensee or certificate holder who has experienced during the biennial renewal a serious illness, injury, or other extenuating circumstance, or who has been called to active duty in the military services for a period exceeding 120 consecutive days **may apply for exemption** to continuing education reporting. The Board will review the



request and, where such circumstances restrict compliance with the continuing education requirements (as supported by documentation furnished to the Board), the Board will approve an exemption and provide you with a "Letter of Exemption" that must be submitted with your renewal.

Note: If you need to apply for exemption, you must make that request before you send in your renewal. See the Forms section to select the Continuing Education Exemption Request Form for the proper period.

# **Qualifying Programs and Activities**

# Types/Sources

Continuing education must consist of learning experiences that **enhance and expand the skills, knowledge, and abilities** of practicing professionals to remain current and render competent **professional** services to the public. Practitioners may pursue technical, nontechnical, regulatory, ethical, and business practice needs for a well-rounded education provided the education **directly benefits the health, safety, or welfare of the public**. Continuing education activities that satisfy the professional development requirement include, but are not limited to, the following:

- completing or auditing college-sponsored courses;
- completing self-study college or non-college-sponsored courses, ending with examination or other verification processes;
- participation in seminars, tutorials, televised or videotaped courses, or short courses;
- attending self-sponsored and prepared in-house educational programs;
- completing a study tour with a structured program resulting in a written or visual presentation by the licensee or certificate holder;
- presenting or instructing qualifying courses or seminars; preparation time for the first time you develop the presentation can also be counted as PDH;
- authoring published papers, articles, or books; preparation time for the first time you author or present (one or the other, but not both) a work can also be counted as PDH, but the hours can only be claimed following publication (not prior to publication);
- participating in professional examination grading or writing, with a maximum credit of five PDH per biennium (Note: This type of PDH cannot be carried over);
- serving on public boards, commissions, and committees that require your professional expertise, such as planning commissions, building code advisory boards, urban renewal boards, or non-work-related volunteer service. You can



earn up to a maximum of ten PDH per biennium (**Note:** This type of PDH cannot be carried over); and

 patents, for a credit of ten PDH during the biennium in which the patent was granted (Note: This type of PDH cannot be carried over).

## Criteria

Continuing education courses and activities must meet the following criteria:

- Each must have a clear purpose and objective that will maintain, improve, or expand existing professional skills and knowledge or develop new and relevant skills and knowledge.
- The content must be well organized and presented in a sequential manner.
- There must be evidence of preplanning which must include the opportunity for input by the target group to be served.
- The person(s) presenting must be well qualified by education or experience.
- The course/activity creator must provide appropriate documentation of your participation, including information required for record keeping and reporting.

## Pre-Approval of Courses or Activities

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design **does not pre-approve any courses or activities for continuing education**. The Continuing Education Assessment Form (see Forms section on this page) is a tool created by the Board for licensees and certificate holders to use to help determine which courses or activities will meet the statutory requirements. It is up to each licensee or certificate holder to become familiar with the statutory requirements and to determine for themselves whether a particular course or activity meets those requirements.

**Sponsors** of courses and activities are welcome to review the statutory requirements and state the following on their advertising, "The Minnesota Board does not pre-approve courses and activities, however to the best of our knowledge this course/activity meets the continuing education requirements outlined in MN Statute 326.107. Final discretion is up to the Board."



## Recordkeeping

Licensees and certificate holders must keep records of courses and activities and those records must include all of the following:

- 1. dates
- 2. subjects
- 3. duration of programs
- 4. sponsoring organization
- 5. professional development hours earned
- 6. registration receipts where appropriate
- 7. other pertinent documentation

You must maintain those records for a period of four years after the end of the licensure/certification period for which the hours apply. The Board may require you to produce this information in connection with verification of a renewal application, a random audit conducted by the Board, or upon receipt of a complaint alleging noncompliance on your part. It is your responsibility to ensure you have proper supporting documentation of your activities.

Do not send the Board continuing education documentation unless you are requested to do so. As stated above, you must retain it in your own records and produce it upon request.

### Noncompliance

If the Board rejects PDH hours reported by you in an amount sufficient to reduce the number of accepted hours below the required 24 PDH, the Board will notify you. You will have 180 days after that initial notification (the "cure period") to substantiate the validity of the rejected hours or to earn other qualifying hours to meet the minimum requirement. If you do not correct the situation to the satisfaction of the Board during the cure period, your licensure or certification will be suspended. You cannot use PDH earned to remedy a shortage in the current period to meet the following biennial renewal requirements.



## Helpful References

Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design

Board website:	https://mn.gov/aelslagid/index.html
Address Change:	https://mn.gov/aelslagid/address.html
Renewal:	https://mn.gov/aelslagid/renewals.html
Laws & Rules:	https://mn.gov/aelslagid/rules.html
Laws of the Board:	https://www.revisor.mn.gov/statutes/cite/326
Rules of the Board:	https://www.revisor.mn.gov/rules/agency/111
Cont. Ed.:	https://mn.gov/aelslagid/continuinged.html