

New Laws That Impact Engineers

By Barton C. Gernander

Minnesota State Building Code Now Uniform Minimum Standard

In the 2008 legislative session, the Minnesota Legislature established the Minnesota State Building Code (SBC) as the minimum statewide construction standard. This new legislation, contained in Minnesota Statute 16B 62 Subdivisions 1a and 1b, is expected to have a positive impact on construction in Minnesota by effectively creating a level playing field for building standards throughout the state.

While this point may not seem noteworthy, the new legislation does reflect a change in code enforcement in Minnesota. Prior to enactment of this legislation, enforcement of the SBC was performed in a fairly patchwork manner, because although the SBC was approved and adopted as to the whole state, not all areas had opted in to enforcement.

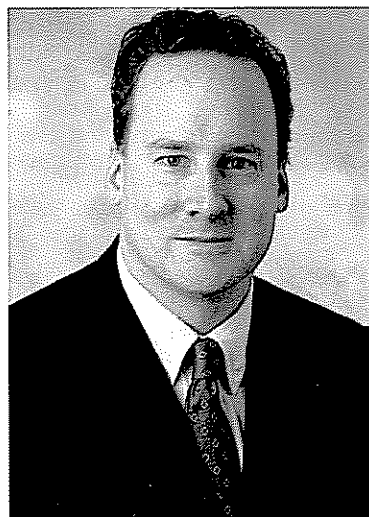
Prior to this legislation, it would not have been unheard of for municipalities or townships outside of metropolitan areas to have their own design or approval requirements, which might have differ from the SBC or from other municipalities' requirements. This led to confusion, or at least unnecessary complexity, in design and code compliance review for construction.

Also, certain areas used their own inspectors, while others used State personnel (the Construction Codes and Licensing Division of the Minnesota Department of Labor & Industry). This led to seeming disparities in interpretation or enforcement of applicable codes.

However, it is now clear that the SBC supersedes the building code of any municipality, and will apply statewide as the minimum code governing the construction, reconstruction, alteration, and repair of buildings and other structures of the types governed by the SBC.

There will still remain some local differences in building standards, such as minimum required snow load or wind speeds. However, regardless of additional requirements in local or municipal code, the SBC remains in force.

Also, some existing state building code provisions remain where enforcement is still mandatory throughout the state. These include



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electrical, elevator, accessibility, high-pressure piping, boiler, manufactured home, bleacher safety and commercial plumbing.

Competency Criteria and Continuing Education Requirements for New Construction Code Inspectors

In another development, new state rules require newly-hired construction code inspectors to meet minimum competency criteria, and to fulfill continuing education requirements. Those rules became effective May 1, 2008, but apply to all construction code inspectors hired on or after January 1, 2008. New hires have one year to meet the minimum competency criteria.

These new requirements apply to building inspectors, plumbing inspectors, mechanical inspectors, and combination inspectors performing inspections under the Minnesota State Building Code. However, the new rules would not apply to a plans inspector who did not conduct building inspections.

Building inspectors, plumbing inspectors, and mechanical inspectors governed by the new rules will each have to complete 15 hours of continuing education each year, of which 6 hours must be in their specific discipline. Combination inspectors must complete 20 hours of continuing education each year, with 6 hours in each discipline.

In combination with application of the Minnesota State Building Code statewide as a uniform minimum building standard, the new rules regarding inspector competency and continuing education should help achieve uniformity in design and construction throughout the state, especially in plan review for code compliance and in code interpretation.

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