

**SUBSTITUTE FOR
HOUSE BILL NO. 4937**

A bill to amend 1965 PA 290, entitled
"Boiler act of 1965,"
by amending sections 2, 3, and 7a (MCL 408.752, 408.753, and
408.757a), sections 2 and 3 as amended by 1986 PA 277 and section
7a as amended by 1982 PA 176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:
2 ~~(a) "Boiler" means a closed vessel in which water is heated,~~
3 ~~steam is generated, steam is superheated, or a combination~~
4 ~~thereof, under pressure or vacuum by the application of heat from~~
5 ~~combustible fuels, electricity, or nuclear energy. Boiler does~~
6 ~~not include facilities of an integral part of a continuous~~
7 ~~processing unit but does include a fired unit for heating or~~
8 ~~vaporizing liquids other than water, if the unit is separate from~~
9 ~~a processing system and is complete within itself.~~

1 ~~—— (b) "Power boiler" means a closed vessel in which steam or~~
2 ~~other vapor is generated at a pressure of more than 15~~
3 ~~p.s.i.g. by the direct application of heat.~~

4 ~~—— (c) "High pressure, high temperature water boiler" means a~~
5 ~~water heating boiler operating at pressure exceeding 160~~
6 ~~p.s.i.g. or temperatures exceeding 250 degrees Fahrenheit.~~

7 ~~—— (d) "Low pressure boiler" means a steam boiler operated at~~
8 ~~pressures not exceeding 15 p.s.i.g., or a hot water heating~~
9 ~~boiler operated at pressures not exceeding 160 p.s.i.g. or~~
10 ~~temperatures not exceeding 250 degrees Fahrenheit.~~

11 ~~—— (e) "Certificate inspection" means an inspection, the report~~
12 ~~of which is used by the chief inspector to decide whether a~~
13 ~~certificate, as provided by section 19, shall be issued. The~~
14 ~~certificate inspection shall be an internal inspection if~~
15 ~~construction allows; otherwise the certificate inspection shall~~
16 ~~be as complete an inspection as possible.~~

17 ~~—— (f) "External inspection" means an inspection which does not~~
18 ~~involve examination of the internal surfaces of the pressure~~
19 ~~parts of the boiler.~~

20 ~~—— (g) "Secondhand boiler" means a boiler which has changed~~
21 ~~ownership and location after initial use.~~

22 ~~—— (h) "Heating surface" means the heating surface determined by~~
23 ~~the boiler manufacturer and recorded in the manufacturer's data~~
24 ~~report or by rules established by the board for a boiler if the~~
25 ~~manufacturer's data report is not available or the boiler is not~~
26 ~~stamped with its heating surface.~~

27 ~~—— (i) "Process boiler" means a boiler operated at a pressure or~~

1 ~~temperature from which more than 10% of the boiler's capacity is~~
2 ~~used for direct steam humidification or direct process work.~~

3 ~~—— (j) "Boiler for agricultural purposes" means a portable~~
4 ~~boiler used in a field or similar open area for the sole purpose~~
5 ~~of operating farm equipment or farm machinery.~~

6 ~~—— (k) "Director" means the director of labor or a~~
7 ~~representative designated by the director.~~

8 ~~—— (l) "P.S.I.G." means pounds per square inch gauge.~~

9 (a) "Antique steam boiler" means a boiler that is no longer
10 used in production applications and is used to demonstrate the
11 historical significance of steam boilers in American history.

12 (b) "Board" means the board of boiler rules created in
13 section 3.

14 (c) "Boiler" means a closed vessel in which water is heated,
15 steam is generated, steam is superheated, or a combination
16 thereof, under pressure or vacuum by the application of heat from
17 combustible fuels, electricity, or nuclear energy. Boiler does
18 not include facilities of an integral part of a continuous
19 processing unit but does include a fired unit for heating or
20 vaporizing liquids other than water, if the unit is separate from
21 a processing system and is complete within itself.

22 (d) "Boiler for agricultural purposes" means a portable
23 boiler used in a field or similar open area for the sole purpose
24 of operating farm equipment or farm machinery.

25 (e) "Certificate inspection" means an inspection, the report
26 of which is used by the chief inspector to decide whether a
27 certificate, as provided by section 19, shall be issued. The

1 certificate inspection shall be an internal inspection if
2 construction allows; otherwise the certificate inspection shall
3 be as complete an inspection as possible.

4 (f) "Director" means the director of labor and economic
5 growth or a representative designated by the director.

6 (g) "External inspection" means an inspection which does not
7 involve examination of the internal surfaces of the pressure
8 parts of the boiler.

9 (h) "Heating surface" means the heating surface determined by
10 the boiler manufacturer and recorded in the manufacturer's data
11 report or by rules established by the board for a boiler if the
12 manufacturer's data report is not available or the boiler is not
13 stamped with its heating surface.

14 (i) "High pressure, high temperature water boiler" means a
15 water heating boiler operating at pressure exceeding 160
16 p.s.i.g. or temperatures exceeding 250 degrees Fahrenheit.

17 (j) "Low pressure boiler" means a steam boiler operated at
18 pressures not exceeding 15 p.s.i.g., or a hot water heating
19 boiler operated at pressures not exceeding 160 p.s.i.g. or
20 temperatures not exceeding 250 degrees Fahrenheit.

21 (k) "P.S.I.G." means pounds per square inch gauge.

22 (l) "Power boiler" means a closed vessel in which steam or
23 other vapor is generated at a pressure of more than 15 p.s.i.g.
24 by the direct application of heat.

25 (m) "Process boiler" means a boiler operated at a pressure or
26 temperature from which more than 10% of the boiler's capacity is
27 used for direct steam humidification or direct process work.

1 (n) **"Secondhand boiler"** means a boiler which has changed
2 ownership and location after initial use.

3 Sec. 3. (1) ~~As used in this act, "board" means the~~ **There**
4 **is created** a board of boiler rules ~~created~~ in the department of
5 labor **and economic growth**. The board, in addition to the
6 director, ~~of labor or an authorized representative of the~~
7 ~~director,~~ shall consist of ~~11~~ **12** members, ~~10~~ **11** of whom
8 shall have substantial experience in the design, erection,
9 fabrication, installation, operation, repair, or inspection of
10 boilers, and 1 of whom shall represent the general public.
11 Members shall be appointed by the governor with the advice and
12 consent of the senate for terms of 4 years each. The governor
13 may remove a member of the board for inefficiency or neglect of
14 duty in office. Upon the death or incapacity of a member, the
15 governor shall fill the vacancy for the remainder of the vacated
16 term with a representative of the same interests with which the
17 predecessor was identified. Of ~~these 11~~ **the 12** appointed
18 members, 2 shall be representatives of owners and users of
19 boilers within this state, 1 shall represent owners and users of
20 power boilers operating at 1,000 p.s.i.g. or more, 2 shall be
21 representatives of organized labor in the state engaged in the
22 erection, fabrication, installation, operation, or repair of
23 boilers, 1 shall be a representative of water tube boiler
24 manufacturers doing business within this state, 1 shall be a
25 representative of fire tube boiler manufacturers doing business
26 within this state, 1 shall be a representative of a boiler
27 insurance company licensed to do business within this state, 1

1 shall be a representative of the mechanical contractors within
2 this state having experience in the installation, piping, or
3 operation of boilers, 1 shall be a representative of boiler
4 repair contractors within this state in the business of repairing
5 boilers by welding and riveting, 1 shall be a representative of
6 the consulting engineers within this state having boiler
7 experience, **1 shall be a representative of antique steam boiler**
8 **owners and operators**, and 1 shall be a representative of the
9 general public.

10 (2) Annually, at the first meeting, the board shall elect a
11 chairperson, vice-chairperson, and secretary. The business which
12 the board of boiler rules may perform shall be conducted at a
13 public meeting of the board of boiler rules held in compliance
14 with the open meetings act, ~~Act No. 267 of the Public Acts of~~
15 ~~1976, being sections 15.261 to 15.275 of the Michigan Compiled~~
16 ~~Laws~~ **1976 PA 267, MCL 15.261 to 15.275**. The board shall meet
17 not less than quarterly or more frequently at the call of the
18 chairperson or 4 members of the board with public notice of the
19 time, date, and place of a meeting given in the manner required
20 by ~~Act No. 267 of the Public Acts of 1976~~ **the open meetings**
21 **act, 1976 PA 267, MCL 15.261 to 15.275**, and 10 days' notification
22 to board members.

23 (3) Seven members of the board shall constitute a quorum for
24 the transaction of business. An approval, decision, or ruling of
25 the board ~~shall not become~~ **is not** effective unless supported by
26 a majority of the members present.

27 (4) ~~(3)~~ The per diem compensation of the members of the

1 board, other than the director, ~~of labor or the authorized~~
2 ~~representative of the director,~~ and the schedule for
3 reimbursement of expenses, shall be established annually by the
4 legislature.

5 Sec. 7a. (1) Antique ~~traction~~ steam boilers shall comply
6 with the rules promulgated by the board and shall be inspected
7 once every 3 years. An owner of an antique ~~traction~~ steam
8 boiler may request an inspection more often than every 3 years.
9 Antique ~~traction~~ steam boilers used for commercial purposes
10 shall be inspected annually. ~~If the inspection is made by a~~
11 ~~deputy inspector, the fee shall be \$25.00. Fees established in~~
12 ~~this section shall not be subject to change by rule.~~ A
13 certificate of inspection shall be issued by the department of
14 labor **and economic growth** upon compliance with the applicable
15 rules.

16 (2) This act ~~shall~~ **does** not apply to miniature steam or
17 marine engines used as a hobby.