

Act No. 103
Public Acts of 2004
Approved by the Governor
May 20, 2004
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May 20, 2004
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STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004

Introduced by Reps. Caswell, Nitz, Julian, Hummel, Emmons, Pastor, Byrum, Robertson, Vander Veen, Stahl, Mortimer, Nofs, Taub, Pumford, Ward, Casperson, Elkins, Sheltroun, Rivet, Stakoe, Bradstreet, Brandenburg, Gillard, LaJoy, Shaffer, Minore, Zelenko, Accavitti, Brown and Williams

ENROLLED HOUSE BILL No. 4937

AN ACT to amend 1965 PA 290, entitled "An act to regulate the use, construction, installation and repair of boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for boilers; to provide for the licensing of boiler inspectors, installers and repairers; to provide fees for licenses, permits, inspections and certificates; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts," 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:

Sec. 2. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. (1) There is created a board of boiler rules in the department of labor and economic growth. The board, in addition to the director, shall consist of 12 members, 11 of whom shall have substantial experience in the design, erection, fabrication, installation, operation, repair, or inspection of boilers, and 1 of whom shall represent the general public. Members shall be appointed by the governor with the advice and consent of the senate for terms of 4 years each. The governor may remove a member of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the governor shall fill the vacancy for the remainder of the vacated term with a representative of the same interests with which the predecessor was identified. Of the 12 appointed members, 2 shall be representatives of owners and users of boilers within this state, 1 shall represent owners and users of power boilers operating at 1,000 p.s.i.g. or more, 2 shall be representatives of organized labor in the state engaged in the erection, fabrication, installation, operation, or repair of boilers, 1 shall be a representative of water tube boiler manufacturers doing business within this state, 1 shall be a representative of fire tube boiler manufacturers doing business within this state, 1 shall be a representative of a boiler insurance company licensed to do business within this state, 1 shall be a representative of the mechanical contractors within this state having experience in the installation, piping, or operation of boilers, 1 shall be a representative of boiler repair contractors within this state in the business of repairing boilers by welding and riveting, 1 shall be a representative of the consulting engineers within this state having boiler experience, 1 shall be a representative of antique steam boiler owners and operators, and 1 shall be a representative of the general public.

(2) Annually, at the first meeting, the board shall elect a chairperson, vice-chairperson, and secretary. The business which the board of boiler rules may perform shall be conducted at a public meeting of the board of boiler rules held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The board shall meet not less than quarterly or more frequently at the call of the chairperson or 4 members of the board with public notice of the time, date, and place of a meeting given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and 10 days' notification to board members.

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

(4) The per diem compensation of the members of the board, other than the director, and the schedule for reimbursement of expenses, shall be established annually by the legislature.

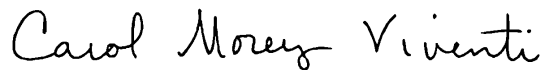
Sec. 7a. (1) Antique steam boilers shall comply with the rules promulgated by the board and shall be inspected once every 3 years. An owner of an antique steam boiler may request an inspection more often than every 3 years. Antique steam boilers used for commercial purposes shall be inspected annually. A certificate of inspection shall be issued by the department of labor and economic growth upon compliance with the applicable rules.

(2) This act does not apply to miniature steam or marine engines used as a hobby.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor