

HOUSE BILL No. 4256

February 10, 2005, Introduced by Reps. Lipsey, Lemmons, III, Tobocman, Alma Smith, Bieda, McDowell, Gleason, Wenke, Plakas, Gaffney, Hopgood, Wojno, Leland and Virgil Smith and referred to the Committee on Regulatory Reform.

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending the title and sections 2, 4, 4a, 12, 14, and 24 (MCL 408.752, 408.754, 408.754a, 408.762, 408.764, and 408.774), section 2 as amended by 2004 PA 103, section 4 as amended by 1980 PA 274, and section 4a as amended by 2004 PA 265, and by adding sections 13a, 13b, 13c, and 13d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate the ~~use~~ **OPERATION**, construction, installation, and repair of **CERTAIN** boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for

1 **CERTAIN** boilers; to provide for the licensing of **CERTAIN** boiler
2 inspectors, installers, and repairers **AND REGISTRATION OF CERTAIN**
3 **BOILER OPERATORS AND STATIONARY ENGINEERS; TO PROVIDE FOR POWERS**
4 **AND DUTIES FOR CERTAIN STATE AGENCIES AND OFFICERS;** to provide fees
5 for **REGISTRATIONS**, licenses, permits, inspections, and
6 certificates; to provide penalties **AND REMEDIES** for the violation
7 of this act; and to repeal ~~certain~~ acts and parts of acts.

8 Sec. 2. As used in this act:

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) **"APPROVED APPRENTICESHIP PROGRAM" MEANS A TRAINING PROGRAM**
13 **FOR BOILER OPERATORS OR STATIONARY ENGINEERS CERTIFIED BY OR**
14 **MEETING THE STANDARDS OF THE UNITED STATES DEPARTMENT OF LABOR**
15 **BUREAU OF APPRENTICESHIP TRAINING AND APPROVED BY THE BOARD.**

16 (c) **"ASSOCIATED AUXILIARIES" MEANS EQUIPMENT THAT IS REQUIRED**
17 **IN THE OPERATION OF A BOILER THAT INCLUDES, BUT IS NOT LIMITED TO,**
18 **PUMPS, REGULATORS, FEEDWATER HEATERS, SUPERHEATERS, DE-**
19 **SUPERHEATERS, ECONOMIZERS, AIR PREHEATERS, DRAFT FANS, COMBUSTION**
20 **AND POLLUTION CONTROL EQUIPMENT, AND PRIME MOVERS.**

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

23 (e) ~~(e)~~ "Boiler" means a closed vessel in which water is
24 heated, steam is generated, steam is superheated, or a combination
25 thereof, under pressure or vacuum by the application of heat from
26 combustible fuels, electricity, or nuclear energy. Boiler does not
27 include facilities of an integral part of a continuous processing

1 unit but does include a fired unit for heating or vaporizing
2 liquids other than water, if the unit is separate from a processing
3 system and is complete within itself.

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

7 (G) **"BOILER OPERATOR" OR "STATIONARY ENGINEER" MEANS A PERSON**
8 **ENGAGED IN THE OPERATION OF BOILERS AND ASSOCIATED AUXILIARIES.**

9 (H) ~~-(e)-~~ "Certificate inspection" means an inspection, the
10 report of which is used by the chief inspector to decide whether a
11 certificate, as provided by section ~~19~~ 20, shall be issued. The
12 certificate inspection shall be an internal inspection if
13 construction allows; otherwise the certificate inspection shall be
14 as complete an inspection as possible.

15 (I) ~~-(f)-~~ "Director" means the director of **THE DEPARTMENT OF**
16 labor and economic growth or a representative designated by the
17 director.

18 (J) ~~-(g)-~~ "External inspection" means an inspection ~~which~~
19 **THAT** does not involve examination of the internal surfaces of the
20 pressure parts of the boiler.

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

26 (L) ~~-(i)-~~ "High pressure, high temperature water boiler" means
27 a water heating boiler operating at pressure exceeding 160 p.s.i.g.

1 or temperatures exceeding 250 degrees Fahrenheit.

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

6 (N) ~~-(k)-~~ "P.S.I.G." means pounds per square inch gauge.

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

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

14 (Q) "QUALIFIED TECHNICAL EDUCATION PROGRAM" MEANS AN
15 EDUCATIONAL PROGRAM APPROVED BY THE BOARD THAT HAS A MINIMUM OF 350
16 CONTACT HOURS IN CLASSROOM HANDS-ON TRAINING, FIELD TRAINING, OR
17 SUPERVISED PLANT VISITS FOR HIGH PRESSURE BOILER OPERATORS. THE
18 BOARD MAY ESTABLISH LESSER STANDARDS FOR AN EDUCATIONAL PROGRAM FOR
19 LOW PRESSURE OPERATOR TRAINING OR OTHER ENTRY LEVEL TRAINING
20 POSITIONS ONLY.

21 (R) "QUALIFIED TRAINING PROGRAM" MEANS AN IN-HOUSE TRAINING
22 PROGRAM APPROVED BY THE BOARD AND OFFERED TO BOILER OPERATORS AND
23 STATIONARY ENGINEERS BY A UTILITY AS A RESULT OF NEGOTIATIONS
24 BETWEEN A UTILITY AND ITS EMPLOYEES.

25 (S) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE
26 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
27 24.328.

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

3 Sec. 4. (1) The board shall ~~formulate definitions and~~
4 **PROMULGATE** rules for the safe construction, installation,
5 inspection, **OPERATION**, and repair of boilers in the state.

6 (2) The ~~definitions and~~ rules ~~formulated~~ **PROMULGATED** for
7 new construction shall be based upon and follow the generally
8 accepted nationwide engineering standards, formulae, and practices
9 established and pertaining to boiler construction and safety. The
10 board, by ~~resolution~~ **RULE**, may adopt an existing published
11 codification, known as the boiler and pressure vessel code of the
12 American society of mechanical engineers, with the amendments and
13 interpretations.

14 (3) The board shall ~~formulate~~ **PROMULGATE** rules for the safe
15 inspection and maintenance of boilers ~~, which~~ **THAT** were in use in
16 the state before July 1, 1966. The rules ~~formulated~~ **PROMULGATED**
17 shall be based upon and follow the generally accepted nationwide
18 engineering standards and may be based upon an existing published
19 codification ~~—~~ known as the inspection code of the national board
20 of boiler and pressure vessel inspectors.

21 ~~———— (4) The rules formulated by the board shall be promulgated~~
22 ~~pursuant to Act No. 306 of the Public Acts of 1969, as amended,~~
23 ~~being sections 24.201 to 24.315 of the Michigan Compiled Laws.~~

24 (4) ~~-(5)-~~ A departure from the requirements of this section
25 ~~shall be~~ **IS** permitted in an unusual situation involving a boiler
26 of special design or construction ~~—~~ if the board is satisfied
27 that a proposed facility will provide a degree of safety

1 commensurate with the intent of this act.

2 (5) UPON PAYMENT OF A \$30.00 FEE AND WITHOUT EXAMINATION, THE
3 BOARD MAY REGISTER AN APPLICANT FOR THE USE OF A TITLE DESCRIBED IN
4 SECTION 13A WHO IS A BOILER OPERATOR OR STATIONARY ENGINEER
5 LICENSED OR REGISTERED AS A BOILER OPERATOR OR STATIONARY ENGINEER
6 IN ANOTHER STATE, MUNICIPALITY, OR COUNTRY WHOSE REQUIREMENTS FOR
7 LICENSURE OR REGISTRATION ARE, AT A MINIMUM, SUBSTANTIALLY
8 EQUIVALENT TO THE REQUIREMENTS OF THIS STATE FOR REGISTRATION AS
9 DETERMINED BY THE BOARD, IF THAT OTHER STATE, MUNICIPALITY, OR
10 COUNTRY EXTENDS THE SAME PRIVILEGES THROUGH RECIPROCITY TO A BOILER
11 OPERATOR OR STATIONARY ENGINEER REGISTERED IN THIS STATE.

12 Sec. 4a. (1) ~~The~~ **SUBJECT TO SECTIONS 4(5) AND 13A(6), THE**
13 board, with the advice of the director, shall promulgate rules
14 ~~pursuant to the administrative procedures act of 1969, 1969 PA 306,~~
15 ~~MCL 24.201 to 24.328,~~ to establish the fee schedules for licenses,
16 permits, certificates, **REGISTRATIONS**, and inspections. The fees
17 shall reflect the actual costs and expenses for the department of
18 labor and economic growth in issuing licenses, permits,
19 **REGISTRATIONS**, and certificates and in conducting inspections.

20 (2) Beginning ~~the effective date of the amendatory act that~~
21 ~~added subsection (3)~~ **JULY 23, 2004**, the department of labor and
22 economic growth shall issue an initial or renewal license to
23 install or repair a boiler or a permit for the installation or
24 repair of a boiler not later than 90 days after the applicant files
25 a completed application. Receipt of the application is considered
26 the date the application is received by any agency or department of
27 the state of Michigan. If the application is considered incomplete

1 by the department of labor and economic growth, the department of
2 labor and economic growth shall notify the applicant in writing, or
3 make the information electronically available, within 30 days after
4 receipt of the incomplete application, describing the deficiency
5 and requesting the additional information. The 90-day period is
6 tolled upon notification by the department of labor and economic
7 growth of a deficiency until the date the requested information is
8 received by the department of labor and economic growth. The
9 determination of the completeness of an application does not
10 operate as an approval of the application for the license or permit
11 and does not confer eligibility of an applicant determined
12 otherwise ineligible for issuance of a license or permit.

13 (3) If the department of labor and economic growth fails to
14 issue or deny a license or permit within the time required by this
15 section, the department of labor and economic growth shall return
16 the license or permit fee and shall reduce the license or permit
17 fee for the applicant's next renewal application, if any, by 15%.
18 The failure to issue a license or permit within the time required
19 under this subsection does not allow the department to otherwise
20 delay the processing of the application, and that application, upon
21 completion, shall be placed in sequence with other completed
22 applications received at that same time. The department of labor
23 and economic growth shall not discriminate against an applicant in
24 the processing of the application based upon the fact that the
25 license or permit fee was refunded or discounted under this
26 subsection.

27 (4) Beginning October 1, 2005, the director shall submit a

1 report by December 1 of each year to the standing committees and
2 appropriations subcommittees of the senate and house of
3 representatives concerned with occupational issues. The director
4 shall include all of the following information in the report
5 concerning the preceding fiscal year:

6 (a) The number of initial and renewal applications the
7 department **OF LABOR AND ECONOMIC GROWTH** received and completed
8 within the 90-day time period described in subsection (2).

9 (b) The number of applications denied.

10 (c) The number of applicants not issued a license within the
11 90-day time period and the amount of money returned to licensees
12 and registrants under subsection (3).

13 (5) To accomplish the objectives of this section and this act,
14 a state boiler inspection fund is created **AS A RESTRICTED FUND** in
15 the state treasury. The state treasurer is the custodian of the
16 fund and may invest the surplus of the fund. Earnings from those
17 investments shall be credited to the fund. The state treasurer
18 shall notify the director and the ~~Legislature~~ **LEGISLATURE** of
19 interest credited and the balance of the fund as of September 30 of
20 each year. The director shall supervise and administer the fund.
21 Fees received by the department of labor and economic growth and
22 money collected under this act shall be deposited in the state
23 boiler inspection fund and shall be appropriated by the
24 ~~Legislature~~ **LEGISLATURE** for the operations of the boiler division
25 and indirect overhead expenses in the department of labor and
26 economic growth. Funds that are unexpended at the end of each
27 fiscal year shall not lapse to the general fund and shall be

1 returned to the state boiler inspection fund.

2 (6) As used in this section, "completed application" means an
3 application complete on its face and submitted with any applicable
4 licensing or ~~permit~~ **REGISTRATION** fees as well as any other
5 information, records, approval, security, or similar item required
6 by law or rule from a local unit of government, a federal agency,
7 or a private entity but not from another department or agency of
8 the state of Michigan.

9 Sec. 12. ~~Examination~~ **THE EXAMINATION** for chief, deputy, or
10 special inspectors shall be ~~in writing and~~ **WRITTEN. THE**
11 **EXAMINATION FOR CERTIFIED BOILER OPERATORS SHALL BE EITHER WRITTEN**
12 **OR ORAL. THE EXAMINATION FOR CERTIFIED STATIONARY ENGINEERS SHALL**
13 **BE BOTH WRITTEN AND ORAL. THE EXAMINATIONS** shall be ~~held~~
14 **ADMINISTERED** by the board, ~~with at least~~ **AND NOT LESS THAN 2**
15 members of the board **SHALL BE** present at all times during ~~the~~ **AN**
16 examination. ~~Such examination~~ **EXAMINATIONS** shall be confined to
17 questions ~~, the answers to which~~ **THAT** will aid in determining the
18 fitness and competency of the applicant for the intended service,
19 and may be those prepared by the national board of boiler and
20 pressure vessel inspectors. **THE BOARD MAY ADOPT ANY EXAMINATION IT**
21 **DETERMINES APPROPRIATE AND MAY DELEGATE ANY ADMINISTRATIVE**
22 **FUNCTIONS RELATING TO THE CONDUCT OF THE EXAMINATION.** If an
23 applicant for ~~an inspector's~~ **A** license fails to pass the
24 examination, ~~he~~ **THE APPLICANT** may appeal to the board for another
25 examination which shall be given by the board within 90 days. The
26 record of an applicant's examination shall be accessible to the
27 applicant and ~~his~~ **THE APPLICANT'S** employer.

1 SEC. 13A. (1) AN INDIVIDUAL MAY OPERATE A BOILER AND
2 ASSOCIATED AUXILIARIES WITHOUT OBTAINING A REGISTRATION UNDER THIS
3 ACT.

4 (2) AN INDIVIDUAL OR BUSINESS ENTITY SHALL NOT USE THE TERMS
5 "CERTIFIED BOILER OPERATOR", "CERTIFIED STATIONARY ENGINEER", "LOW
6 PRESSURE CERTIFIED BOILER OPERATOR", "HIGH PRESSURE CERTIFIED
7 BOILER OPERATOR", "THIRD-CLASS CERTIFIED STATIONARY ENGINEER",
8 "SECOND-CLASS CERTIFIED STATIONARY ENGINEER", "FIRST-CLASS
9 CERTIFIED STATIONARY ENGINEER", OR ANY OTHER NAME, STYLE, OR
10 DESCRIPTION THAT INDICATES THAT THE INDIVIDUAL OR AN INDIVIDUAL
11 EMPLOYED BY THE BUSINESS ENTITY IS REGISTERED UNDER THIS ACT EXCEPT
12 UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

13 (A) THE INDIVIDUAL HAS BEEN ISSUED A REGISTRATION UNDER THIS
14 ACT.

15 (B) THE INDIVIDUAL IS EXEMPT FROM THIS ACT UNDER SECTION 23.

16 (3) THE INDIVIDUAL PARTICIPATING IN AN APPROVED APPRENTICESHIP
17 PROGRAM, A QUALIFIED TECHNICAL TRAINING PROGRAM, OR A QUALIFIED
18 TRAINING PROGRAM MAY USE THE TITLE "APPRENTICE CERTIFIED BOILER
19 OPERATOR" OR "APPRENTICE CERTIFIED STATIONARY ENGINEER".

20 (4) AN INDIVIDUAL REGISTERED UNDER THIS ACT SHALL ONLY USE 1
21 OF THE TITLES DESCRIBED IN SUBSECTION (2) OR THE ABBREVIATION
22 "C.B.O." OR "C.S.E.". THE BOARD MAY CONDUCT AN EXAMINATION DESIGNED
23 TO ESTABLISH THE COMPETENCY OF APPLICANTS FOR REGISTRATION AND MAY
24 CHARGE AN EXAMINATION FEE.

25 (5) A PERSON APPLYING FOR A REGISTRATION UNDER THIS ACT SHALL
26 BE NOT LESS THAN 18 YEARS OF AGE, SHALL POSSESS THE PHYSICAL AND
27 MENTAL CAPACITIES TO PERFORM HIS OR HER DUTIES IN A COMPETENT AND

1 SAFE MANNER, AND SHALL MEET THE APPLICABLE REQUIREMENTS OF SECTION
2 13D. AN APPLICANT SHALL USE A FORM PROVIDED BY THE DIRECTOR.

3 (6) THE DIRECTOR SHALL ISSUE A REGISTRATION UPON
4 RECOMMENDATION OF THE BOARD AND UPON THE APPLICANT'S PAYMENT OF A
5 TESTING FEE OF \$10.00 AND A REGISTRATION FEE OF \$20.00 OR A FEE
6 PRESCRIBED PURSUANT TO SECTION 4A, WHICHEVER IS HIGHER, FOR EACH
7 APPLICATION. A REGISTRATION SHALL BE RENEWED ANNUALLY UPON PAYMENT
8 OF A FEE OF \$20.00 OR A FEE PRESCRIBED PURSUANT TO SECTION 4A,
9 WHICHEVER IS HIGHER.

10 (7) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
11 AMENDATORY ACT THAT ADDED THIS SECTION, THE BOARD SHALL RECOMMEND
12 FOR REGISTRATION WITHOUT EXAMINATION AN APPLICANT WHO SUBMITS
13 EVIDENCE SATISFACTORY TO THE BOARD OF 1 OR MORE OF THE FOLLOWING:

14 (A) THE APPLICANT HAS HAD NOT LESS THAN 5 YEARS OF EXPERIENCE
15 IN THE CLASS OR CATEGORY OF BOILER OPERATOR OR STATIONARY ENGINEER
16 FOR WHICH THE APPLICANT IS APPLYING.

17 (B) THE APPLICANT POSSESSES A LICENSE AS A BOILER OPERATOR OR
18 STATIONARY ENGINEER FROM THE CITIES OF DETROIT OR DEARBORN IN A
19 CLASS FOR WHICH THE APPLICANT IS APPLYING.

20 (C) THE APPLICANT HAS SUCCESSFULLY COMPLETED A 4-YEAR APPROVED
21 APPRENTICESHIP PROGRAM, A QUALIFIED TECHNICAL EDUCATION PROGRAM, OR
22 A 4-YEAR QUALIFIED TRAINING PROGRAM.

23 SEC. 13B. CERTIFIED BOILER OPERATOR AND CERTIFIED STATIONARY
24 ENGINEER REGISTRATIONS ARE CLASSIFIED AS FOLLOWS:

25 (A) LOW PRESSURE CERTIFIED BOILER OPERATOR, WHO OPERATES LOW
26 PRESSURE BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN 4,000
27 SQUARE FEET OF BOILER HEATING SURFACE.

1 (B) HIGH PRESSURE CERTIFIED BOILER OPERATOR, WHO OPERATES
2 BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN 4,000 SQUARE
3 FEET OF BOILER HEATING SURFACE OR NOT MORE THAN 10 STEAM ENGINE-
4 TURBINE HORSEPOWER.

5 (C) THIRD-CLASS CERTIFIED STATIONARY ENGINEER, WHO OPERATES
6 BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN 7,500 SQUARE
7 FEET OF BOILER HEATING SURFACE OR NOT MORE THAN 100 STEAM ENGINE-
8 TURBINE HORSEPOWER.

9 (D) SECOND-CLASS CERTIFIED STATIONARY ENGINEER, WHO OPERATES
10 BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN 20,000 SQUARE
11 FEET OF BOILER HEATING SURFACE OR NOT MORE THAN 200 STEAM ENGINE-
12 TURBINE HORSEPOWER.

13 (E) FIRST-CLASS CERTIFIED STATIONARY ENGINEER, WHO OPERATES
14 BOILER PLANTS HAVING AN AGGREGATE OF 20,000 SQUARE FEET OR MORE OF
15 BOILER HEATING SURFACE OR 200 STEAM ENGINE-TURBINE HORSEPOWER OR
16 MORE.

17 SEC. 13C. (1) NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE
18 OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE BOARD SHALL
19 PROMULGATE RULES DESIGNATING THE COURSE CONTENT FOR QUALIFIED
20 TECHNICAL EDUCATION PROGRAMS FOR THE VARIOUS CATEGORIES AND CLASSES
21 OF REGISTRATION OF BOILER OPERATORS AND STATIONARY ENGINEERS.

22 (2) THE RULES DESCRIBED IN SUBSECTION (1) SHALL PROVIDE THAT
23 THE COURSE CONTENT OF QUALIFIED TECHNICAL EDUCATION PROGRAMS FOR
24 ENTRY LEVEL REGISTRANTS INCLUDE AT LEAST ALL OF THE FOLLOWING
25 SUBJECT MATTER AREAS:

26 (A) BASIC FUNCTIONS, CONSTRUCTION, AND OPERATION OF ALL TYPES
27 OF BOILERS.

1 (B) THE FUNCTION OF BOILER APPLIANCES, ACCESSORIES, AND
2 ASSOCIATED AUXILIARIES.

3 (C) MATERIALS USED IN BOILERS AND THE EFFECT OF TEMPERATURE
4 EXTREMES ON THOSE MATERIALS.

5 (D) THE FUELS USED IN BOILERS AND FUNDAMENTALS OF COMBUSTION.

6 (E) BASIC ELECTRICITY.

7 (F) PLANT OPERATION AND BOILER MAINTENANCE.

8 (G) INSTRUMENTATION AND CONTROLS.

9 (H) FUNDAMENTAL MATHEMATICS AND PRINCIPLES OF THE METRIC
10 SYSTEM.

11 (I) GENERAL SAFETY PROCEDURES.

12 (J) RECOGNITION OF DANGEROUS OPERATION CONDITIONS.

13 (3) THE BOARD SHALL PROVIDE THAT THE COURSE CONTENT FOR
14 CATEGORIES AND CLASSES OTHER THAN ENTRY LEVEL REGISTRANTS INCLUDES
15 SUBJECT MATTER SIMILAR TO THOSE DESCRIBED IN SUBSECTION (2) IN THE
16 DEGREE OF DEPTH AND DIFFICULTY APPROPRIATE FOR THE CATEGORY AND
17 CLASS.

18 SEC. 13D. (1) THE DIRECTOR SHALL NOT ISSUE A REGISTRATION FOR
19 A TITLE DESCRIBED IN SECTION 13A(2) UNLESS THE APPLICANT MEETS THE
20 REQUIREMENTS FOR THE CLASSIFICATION AS PRESCRIBED IN SUBSECTIONS
21 (2) TO (6).

22 (2) AN APPLICANT FOR A LOW PRESSURE CERTIFIED BOILER OPERATOR
23 REGISTRATION SHALL HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE
24 OPERATING OR MAINTAINING LOW OR HIGH PRESSURE BOILERS, STEAM PRIME
25 MOVERS, OR ASSOCIATED AUXILIARIES.

26 (3) AN APPLICANT FOR A HIGH PRESSURE CERTIFIED BOILER OPERATOR
27 REGISTRATION SHALL HAVE 1 OR MORE OF THE FOLLOWING:

1 (A) NOT LESS THAN 2 YEARS OF EXPERIENCE IN THE OPERATION OF A
2 HIGH PRESSURE BOILER.

3 (B) A LOW PRESSURE CERTIFIED BOILER OPERATOR'S REGISTRATION
4 AND NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION OF A LOW
5 PRESSURE BOILER.

6 (C) NOT LESS THAN 1 YEAR OF EITHER A QUALIFIED TRAINING
7 PROGRAM, A QUALIFIED TECHNICAL EDUCATION PROGRAM, OR AN APPROVED
8 APPRENTICESHIP PROGRAM.

9 (4) AN APPLICANT FOR A THIRD-CLASS CERTIFIED STATIONARY
10 ENGINEER REGISTRATION SHALL MEET 1 OR MORE OF THE FOLLOWING
11 REQUIREMENTS:

12 (A) BE REGISTERED AS A HIGH PRESSURE CERTIFIED BOILER OPERATOR
13 AND HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION OF A
14 HIGH PRESSURE BOILER.

15 (B) BE REGISTERED AS A LOW PRESSURE CERTIFIED BOILER OPERATOR,
16 HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION OF A LOW
17 PRESSURE BOILER, AND HAVE NOT LESS THAN 1 YEAR OF MAINTENANCE
18 EXPERIENCE ON HIGH PRESSURE BOILERS AND ASSOCIATED AUXILIARIES.

19 (C) BE REGISTERED AS A HIGH PRESSURE CERTIFIED BOILER OPERATOR
20 AND HAVE NOT LESS THAN 1 YEAR OF BOILER MAINTENANCE EXPERIENCE OR
21 NOT LESS THAN 1 YEAR AS AN APPRENTICE IN AN APPROVED TRAINING
22 PROGRAM IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
23 SURFACE OF MORE THAN 4,000 SQUARE FEET.

24 (D) HAVE NOT LESS THAN 3 YEARS OF EXPERIENCE IN THE OPERATION
25 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
26 HEATING SURFACE OF MORE THAN 4,000 SQUARE FEET.

27 (E) HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION

1 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
2 HEATING SURFACE OF MORE THAN 4,000 SQUARE FEET ALONG WITH
3 SUFFICIENT EXPERIENCE OPERATING STEAM PRIME MOVERS IN EXCESS OF 10
4 HORSEPOWER FOR A COMBINED TOTAL OF NOT LESS THAN 3 YEARS OF
5 EXPERIENCE.

6 (F) HAVE AN ASSOCIATE DEGREE IN ENERGY TECHNOLOGY OR A RELATED
7 FIELD AS DETERMINED BY THE BOARD WITH A POWER ENGINEERING OPTION
8 FROM A 2-YEAR COLLEGE WHOSE PROGRAM IS APPROVED BY THE BOARD AND
9 EMPLOYMENT OR COOPERATIVE EDUCATION EXPERIENCE OF NOT LESS THAN 360
10 HOURS AS A POWER ENGINEER, BOILER OPERATOR, OR STATIONARY ENGINEER
11 IN A STEAM ELECTRIC GENERATION PLANT OR A HIGH PRESSURE STEAM
12 HEATING OR PROCESS PLANT.

13 (5) AN APPLICANT FOR A SECOND-CLASS CERTIFIED STATIONARY
14 ENGINEER REGISTRATION SHALL MEET 1 OR MORE OF THE FOLLOWING
15 REQUIREMENTS:

16 (A) BE REGISTERED AS A THIRD-CLASS CERTIFIED STATIONARY
17 ENGINEER AND HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE AS A THIRD-
18 CLASS CERTIFIED STATIONARY ENGINEER.

19 (B) HAVE A BACHELOR'S DEGREE IN ENGINEERING, ENGINEERING
20 TECHNOLOGY, HEATING/POWER TECHNOLOGY, OR ENERGY TECHNOLOGY FROM A
21 COLLEGE OR UNIVERSITY WHOSE PROGRAM IS APPROVED BY THE BOARD AND
22 EMPLOYMENT EXPERIENCE AS AN ENGINEER IN THE ENGINEERING OR RESEARCH
23 DIVISION OF A STEAM ELECTRIC POWER GENERATING PLANT FOR NOT LESS
24 THAN 1 YEAR.

25 (C) HAVE NOT LESS THAN 4 YEARS OF EXPERIENCE IN THE OPERATION
26 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
27 HEATING SURFACE OF MORE THAN 7,500 SQUARE FEET.

1 (D) HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION
2 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
3 HEATING SURFACE OF MORE THAN 7,500 SQUARE FEET ALONG WITH
4 SUFFICIENT EXPERIENCE OPERATING STEAM PRIME MOVERS IN EXCESS OF 100
5 HORSEPOWER FOR A COMBINED TOTAL OF NOT LESS THAN 4 YEARS OF
6 EXPERIENCE.

7 (E) HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION
8 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
9 HEATING SURFACE OF MORE THAN 7,500 SQUARE FEET ALONG WITH
10 SUFFICIENT EXPERIENCE OPERATING BOILERS IN A HIGH PRESSURE BOILER
11 PLANT HAVING AN AGGREGATE HEATING SURFACE OF MORE THAN 4,000 SQUARE
12 FEET FOR A COMBINED TOTAL OF NOT LESS THAN 4 YEARS OF EXPERIENCE.

13 (6) AN APPLICANT FOR A FIRST-CLASS CERTIFIED STATIONARY
14 ENGINEER REGISTRATION SHALL MEET 1 OR MORE OF THE FOLLOWING
15 REQUIREMENTS:

16 (A) BE REGISTERED AS A SECOND-CLASS CERTIFIED STATIONARY
17 ENGINEER AND HAVE NOT LESS THAN 2 YEARS OF EXPERIENCE AS A SECOND-
18 CLASS STATIONARY ENGINEER.

19 (B) HAVE NOT LESS THAN 6 YEARS OF EXPERIENCE IN THE OPERATION
20 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
21 HEATING SURFACE OF MORE THAN 20,000 SQUARE FEET.

22 (C) HAVE NOT LESS THAN 2 YEARS OF EXPERIENCE IN THE OPERATION
23 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
24 HEATING SURFACE OF MORE THAN 20,000 SQUARE FEET ALONG WITH
25 SUFFICIENT EXPERIENCE OPERATING STEAM PRIME MOVERS IN EXCESS OF 200
26 HORSEPOWER FOR A COMBINED TOTAL OF NOT LESS THAN 6 YEARS OF
27 EXPERIENCE.

1 (D) HAVE NOT LESS THAN 2 YEARS OF EXPERIENCE IN THE OPERATION
2 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
3 HEATING SURFACE OF MORE THAN 20,000 SQUARE FEET ALONG WITH
4 SUFFICIENT EXPERIENCE IN THE OPERATION OF BOILERS IN A HIGH
5 PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING SURFACE OF MORE
6 THAN 7,500 SQUARE FEET OF HEATING SURFACE FOR A COMBINED TOTAL OF
7 NOT LESS THAN 6 YEARS OF EXPERIENCE.

8 (E) COMPLETE A 4-YEAR APPROVED APPRENTICESHIP PROGRAM OR A 4-
9 YEAR QUALIFIED TRAINING PROGRAM.

10 (F) COMPLETE A 4-YEAR PROGRAM WITH A BACHELOR'S DEGREE FROM A
11 COLLEGE OR UNIVERSITY IN ENGINEERING, ENGINEERING TECHNOLOGY,
12 HEATING/POWER TECHNOLOGY, OR ENERGY TECHNOLOGY WHOSE PROGRAM IS
13 APPROVED BY THE BOARD AND WHICH INCLUDES A HANDS-ON POWER OPTION
14 FROM A 2-YEAR COMMUNITY COLLEGE PROGRAM OR THE EQUIVALENT, AS
15 DETERMINED BY THE BOARD, AND NOT LESS THAN 1 YEAR OF EMPLOYMENT,
16 INTERNSHIP, OR COOPERATIVE EDUCATION EXPERIENCE IN A STEAM ELECTRIC
17 GENERATION PLANT OR HIGH PRESSURE STEAM HEATING PROCESS PLANT.

18 Sec. 14. (1) ~~An inspector's, repairer's, or installer's~~ **THE**
19 **CHIEF INSPECTOR MAY SUSPEND THE** license may be suspended by the
20 ~~chief inspector for~~ **OF AN INSPECTOR, REPAIRER, OR INSTALLER OR THE**
21 **REGISTRATION OF A CERTIFIED BOILER OPERATOR OR CERTIFIED STATIONARY**
22 **ENGINEER DUE TO** the incompetence of the ~~holder thereof or for~~
23 ~~wilful~~ **REGISTRANT OR LICENSEE OR DUE TO WILLFUL** falsification of
24 ~~any~~ **A** matter or statement contained in ~~his~~ **THAT REGISTRANT'S OR**
25 **LICENSEE'S** application or in a report of ~~any~~ inspection made by
26 ~~him~~ **THE REGISTRANT OR LICENSEE.** Written notice of the suspension
27 shall be given by the chief inspector within ~~not more than~~ 10

1 days **AFTER THE SUSPENSION** to the **REGISTRANT OR** licensee, ~~his~~ **THE**
 2 **REGISTRANT'S OR LICENSEE'S** employer, and the board. A person whose
 3 **REGISTRATION OR** license has been suspended may appeal to the board
 4 as provided in section 22 and be present in person and be
 5 represented by counsel at the hearing of the appeal.

6 (2) If the board has reason to believe that a **REGISTRANT OR**
 7 licensee is no longer qualified to hold his **OR HER REGISTRATION OR**
 8 license, the board, upon not less than 10 days' written notice to
 9 the **REGISTRANT OR** licensee and ~~his~~ **THE REGISTRANT'S OR LICENSEE'S**
 10 employer, shall hold ~~a~~ **AN ADMINISTRATIVE** hearing at which the
 11 **REGISTRANT OR** licensee and his **OR HER** employer shall have an
 12 opportunity to be heard. If, as a result of the hearing, the board
 13 finds that the **REGISTRANT OR** licensee is no longer qualified to
 14 hold his **OR HER REGISTRATION OR** license, the board shall recommend
 15 to the ~~commissioner~~ **DIRECTOR** that the **REGISTRATION OR** license be
 16 revoked, and the ~~commissioner~~ **DIRECTOR** shall ~~thereupon~~
 17 **IMMEDIATELY** revoke ~~such~~ **THE REGISTRATION OR** license. ~~forthwith.~~

18 (3) A person whose **REGISTRATION OR** license has been suspended
 19 may apply, after 90 days from the date of the suspension, for
 20 reinstatement of the **REGISTRATION OR** license.

21 Sec. 24. (1) ~~It shall be unlawful for any~~ **AN INDIVIDUAL, OR**
 22 **OTHER** person, ~~firm, partnership, or corporation to~~ **SHALL NOT**
 23 operate ~~in this state~~ a boiler without a valid inspection
 24 certificate. The operation of a boiler without ~~such~~ **A VALID**
 25 inspection certificate ~~—~~ or at a pressure exceeding that
 26 specified in ~~such~~ **THE** inspection certificate ~~—~~ is a misdemeanor
 27 on the part of the owner, user, or operator ~~thereof and shall be~~

1 punishable by ~~a fine not exceeding \$500.00, or imprisonment not~~
2 ~~to exceed~~ **FOR NOT MORE THAN 60 days, or BY A FINE OF NOT MORE THAN**
3 **\$500.00, OR** both. Each day of the unlawful operation is a separate
4 offense.

5 (2) A PERSON OR BUSINESS ENTITY USING A TITLE DESCRIBED IN
6 SECTION 13A(2) WITHOUT A REGISTRATION ISSUED UNDER THIS ACT OR
7 WITHOUT AN EXEMPTION FROM REGISTRATION UNDER THIS ACT IS GUILTY OF
8 A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS,
9 A FINE OF NOT MORE THAN \$500.00, OR BOTH.