

SUBSTITUTE FOR
HOUSE BILL NO. 4216

A bill to amend 1965 PA 290, entitled
"Boiler act of 1965,"
by amending the title and sections 2, 4, 4a, 7, 12, 14, and 24 (MCL
408.752, 408.754, 408.754a, 408.757, 408.762, 408.764, and
408.774), section 2 as amended by 2004 PA 103, sections 4 and 7 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:

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TITLE

An act to regulate the use, construction, installation, and
repair of **CERTAIN** boilers; to create a board of boiler rules; to
prescribe uniform rules and regulations for **CERTAIN** boilers; to
provide for the licensing of **CERTAIN** boiler inspectors, installers,
and repairers **AND REGISTRATION OF CERTAIN BOILER OPERATORS AND
STATIONARY ENGINEERS; TO PROVIDE FOR POWERS AND DUTIES FOR CERTAIN**

1 **STATE AGENCIES AND OFFICERS;** to provide fees for **REGISTRATIONS,**
2 licenses, permits, inspections, and certificates; to provide
3 penalties **AND REMEDIES** for the violation of this act; and to repeal
4 ~~certain~~ acts and parts of acts.

5 Sec. 2. As used in this act:

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

9 (B) "APPROVED APPRENTICESHIP PROGRAM" MEANS A TRAINING PROGRAM
10 FOR BOILER OPERATORS OR STATIONARY ENGINEERS CERTIFIED BY OR
11 MEETING THE STANDARDS OF THE UNITED STATES DEPARTMENT OF LABOR
12 BUREAU OF APPRENTICESHIP TRAINING AND APPROVED BY THE BOARD.

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

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

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

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

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

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

12 (I) ~~(f)~~—"Director" means the director of **THE DEPARTMENT OF**
13 labor and economic growth or a representative designated by the
14 director.

15 (J) ~~(g)~~—"External inspection" means an inspection ~~which~~—**THAT**
16 does not involve examination of the internal surfaces of the
17 pressure parts of the boiler.

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

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

26 (M) ~~(j)~~—"Low pressure boiler" means a steam boiler operated at
27 pressures not exceeding 15 p.s.i.g., or a hot water heating boiler

1 operated at pressures not exceeding 160 p.s.i.g. or temperatures
2 not exceeding 250 degrees Fahrenheit.

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

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

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

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

17 (R) "QUALIFIED TRAINING PROGRAM" MEANS AN IN-HOUSE TRAINING
18 PROGRAM APPROVED BY THE BOARD AND OFFERED TO BOILER OPERATORS AND
19 STATIONARY ENGINEERS BY AN EMPLOYER AS A RESULT OF NEGOTIATIONS
20 BETWEEN AN EMPLOYER AND ITS EMPLOYEES.

21 (S) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE
22 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
23 24.328.

24 (T) ~~(n)~~—"Secondhand boiler" means a boiler ~~which~~ THAT has
25 changed ownership and location after initial use.

26 Sec. 4. (1) The ~~board~~ DEPARTMENT shall ~~formulate definitions~~
27 ~~and~~ PROMULGATE rules for the safe construction, installation,

1 inspection, **OPERATION**, and repair of boilers in the state.

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

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

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

20 (4) ~~(5)~~ A departure from the requirements of this section
21 ~~shall be~~ **IS** permitted in an unusual situation involving a boiler of
22 special design or construction ~~if the board is satisfied that a~~
23 proposed facility will provide a degree of safety commensurate with
24 the intent of this act.

25 (5) **UPON PAYMENT OF A FEE AS PRESCRIBED BY SECTION 4A AND**
26 **WITHOUT EXAMINATION, THE BOARD MAY REGISTER AN APPLICANT FOR THE**
27 **USE OF A TITLE DESCRIBED IN SECTION 13A WHO IS A BOILER OPERATOR OR**

1 STATIONARY ENGINEER LICENSED OR REGISTERED AS A BOILER OPERATOR OR
2 STATIONARY ENGINEER IN ANOTHER STATE, MUNICIPALITY, OR COUNTRY
3 WHOSE REQUIREMENTS FOR LICENSURE OR REGISTRATION ARE, AT A MINIMUM,
4 SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS STATE FOR
5 REGISTRATION AS DETERMINED BY THE BOARD, IF THAT OTHER STATE,
6 MUNICIPALITY, OR COUNTRY EXTENDS THE SAME PRIVILEGES THROUGH
7 RECIPROCITY TO A BOILER OPERATOR OR STATIONARY ENGINEER REGISTERED
8 IN THIS STATE.

9 Sec. 4a. (1) ~~The board, with the advice of the director~~
10 DEPARTMENT, IN CONSULTATION WITH THE BOARD, shall promulgate rules
11 ~~pursuant to the administrative procedures act of 1969, 1969 PA 306,~~
12 ~~MCL 24.201 to 24.328,~~ to establish the fee schedules for licenses,
13 permits, certificates, **REGISTRATIONS, EXAMINATIONS,** and
14 inspections. The fees shall reflect the actual costs and expenses
15 for the department of labor and economic growth in issuing
16 licenses, permits, **REGISTRATIONS, EXAMINATIONS,** and certificates
17 and in conducting inspections.

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

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

12 (3) If the department of labor and economic growth fails to
13 issue or deny a **REGISTRATION**, license, or permit within the time
14 required by this section, the department of labor and economic
15 growth shall return the **REGISTRATION**, license, or permit fee and
16 shall reduce the **REGISTRATION**, license, or permit fee for the
17 applicant's next renewal application, if any, by 15%. The failure
18 to issue a **REGISTRATION**, license, or permit within the time
19 required under this subsection does not allow the department to
20 otherwise delay the processing of the application, and that
21 application, upon completion, shall be placed in sequence with
22 other completed applications received at that same time. The
23 department of labor and economic growth shall not discriminate
24 against an applicant in the processing of the application based
25 upon the fact that the **REGISTRATION**, license, or permit fee was
26 refunded or discounted under this 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 **PERMIT,**
11 **REGISTRATION, OR** license within the 90-day time period and the
12 amount of money returned to licensees, **PERMITTEES,** and registrants
13 under subsection (3).

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

1 lapse to the general fund and shall be returned to the state boiler
2 inspection fund.

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

10 Sec. 7. This act shall not apply to **ANY OF THE FOLLOWING**:

11 (a) Boilers under federal control.

12 (b) Boilers used in the power plants of self-propelled
13 vehicles designed primarily for the transportation of persons or
14 property upon a highway, except vehicles used exclusively upon
15 stationary rails or tracks.

16 (c) Boilers used solely for agricultural purposes.

17 (d) Steam or vapor boilers carrying a pressure of not more
18 than 15 p.s.i.g., which are located in a private residence or in an
19 apartment building with a capacity of less than 6 families. ~~except~~
20 ~~that installers and repairers of such boilers shall be licensed as~~
21 ~~provided in section 13.~~

22 (e) Hot water boilers operated at a pressure not exceeding 160
23 p.s.i.g. or a temperature not exceeding 250 degrees Fahrenheit that
24 are located in a private residence or in an apartment building with
25 a capacity of less than 6 families. ~~except that installers and~~
26 ~~repairers of such boilers shall be licensed as provided in section~~
27 ~~13.~~

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

19 **SEC. 13A. (1) AN INDIVIDUAL MAY OPERATE A BOILER AND**
 20 **ASSOCIATED AUXILIARIES WITHOUT OBTAINING A REGISTRATION UNDER THIS**
 21 **ACT.**

22 **(2) AN INDIVIDUAL OR BUSINESS ENTITY SHALL NOT USE THE TERMS**
 23 **"REGISTERED BOILER OPERATOR", "CERTIFIED BOILER OPERATOR",**
 24 **"REGISTERED STATIONARY ENGINEER", "CERTIFIED STATIONARY ENGINEER",**
 25 **"LOW PRESSURE REGISTERED BOILER OPERATOR", "LOW PRESSURE CERTIFIED**
 26 **BOILER OPERATOR", "HIGH PRESSURE REGISTERED BOILER OPERATOR", "HIGH**
 27 **PRESSURE CERTIFIED BOILER OPERATOR", "THIRD-CLASS REGISTERED**

1 STATIONARY ENGINEER", "THIRD-CLASS CERTIFIED STATIONARY ENGINEER",
2 "SECOND-CLASS REGISTERED STATIONARY ENGINEER", "SECOND-CLASS
3 CERTIFIED STATIONARY ENGINEER", "FIRST-CLASS REGISTERED STATIONARY
4 ENGINEER", "FIRST-CLASS CERTIFIED STATIONARY ENGINEER", OR ANY
5 OTHER NAME, STYLE, OR DESCRIPTION THAT INDICATES THAT THE
6 INDIVIDUAL OR AN INDIVIDUAL EMPLOYED BY THE BUSINESS ENTITY IS
7 REGISTERED UNDER THIS ACT UNLESS THE INDIVIDUAL HAS BEEN ISSUED A
8 REGISTRATION UNDER THIS ACT.

9 (3) THE INDIVIDUAL PARTICIPATING IN AN APPROVED APPRENTICESHIP
10 PROGRAM, A QUALIFIED TECHNICAL TRAINING PROGRAM, OR A QUALIFIED
11 TRAINING PROGRAM MAY USE THE TITLE "APPRENTICE CERTIFIED BOILER
12 OPERATOR" OR "APPRENTICE CERTIFIED STATIONARY ENGINEER".

13 (4) AN INDIVIDUAL REGISTERED UNDER THIS ACT SHALL ONLY USE 1
14 OF THE TITLES DESCRIBED IN SUBSECTION (2) OR THE ABBREVIATION
15 "R.B.O.", "C.B.O.", "R.S.E.", OR "C.S.E.".

16 (5) A PERSON APPLYING FOR A REGISTRATION UNDER THIS ACT SHALL
17 BE NOT LESS THAN 18 YEARS OF AGE, SHALL POSSESS THE PHYSICAL AND
18 MENTAL CAPACITIES TO PERFORM HIS OR HER DUTIES IN A COMPETENT AND
19 SAFE MANNER, AND SHALL MEET THE APPLICABLE REQUIREMENTS OF SECTION
20 13D. AN APPLICANT SHALL USE A FORM PROVIDED BY THE DIRECTOR.

21 (6) THE DIRECTOR SHALL ISSUE A REGISTRATION UPON
22 RECOMMENDATION OF THE BOARD AND UPON THE APPLICANT'S PAYMENT OF AN
23 EXAMINATION AND REGISTRATION FEE AS PROVIDED FOR IN RULES OF THE
24 DEPARTMENT AS PRESCRIBED IN SECTION 4A FOR EACH APPLICATION. A
25 REGISTRATION SHALL BE RENEWED ANNUALLY UPON PAYMENT OF A FEE
26 PRESCRIBED PURSUANT TO SECTION 4A.

27 (7) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE

1 AMENDATORY ACT THAT ADDED THIS SECTION, THE BOARD SHALL RECOMMEND
2 FOR REGISTRATION WITHOUT EXAMINATION AN APPLICANT WHO SUBMITS
3 EVIDENCE SATISFACTORY TO THE BOARD OF 1 OR MORE OF THE FOLLOWING:

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

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

10 (C) THE APPLICANT HAS SUCCESSFULLY COMPLETED A 4-YEAR APPROVED
11 APPRENTICESHIP PROGRAM, A QUALIFIED TECHNICAL EDUCATION PROGRAM, OR
12 A 4-YEAR QUALIFIED TRAINING PROGRAM.

13 SEC. 13B. BOILER OPERATOR AND STATIONARY ENGINEER
14 REGISTRATIONS ARE CLASSIFIED AS FOLLOWS:

15 (A) LOW PRESSURE BOILER OPERATOR, WHO OPERATES LOW PRESSURE
16 BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN 4,000 SQUARE
17 FEET OF BOILER HEATING SURFACE.

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

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

26 (D) SECOND-CLASS STATIONARY ENGINEER, WHO OPERATES BOILER
27 PLANTS HAVING AN AGGREGATE OF NOT MORE THAN 20,000 SQUARE FEET OF

1 BOILER HEATING SURFACE OR NOT MORE THAN 200 STEAM ENGINE-TURBINE
2 HORSEPOWER.

3 (E) FIRST-CLASS STATIONARY ENGINEER, WHO OPERATES BOILER
4 PLANTS HAVING AN AGGREGATE OF 20,000 SQUARE FEET OR MORE OF BOILER
5 HEATING SURFACE OR 200 STEAM ENGINE-TURBINE HORSEPOWER OR MORE.

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

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

15 (A) BASIC FUNCTIONS, CONSTRUCTION, AND OPERATION OF ALL TYPES
16 OF BOILERS.

17 (B) THE FUNCTION OF BOILER APPLIANCES, ACCESSORIES, AND
18 ASSOCIATED AUXILIARIES.

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

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

22 (E) BASIC ELECTRICITY.

23 (F) PLANT OPERATION AND BOILER MAINTENANCE.

24 (G) INSTRUMENTATION AND CONTROLS.

25 (H) FUNDAMENTAL MATHEMATICS AND PRINCIPLES OF THE METRIC
26 SYSTEM.

27 (I) GENERAL SAFETY PROCEDURES.

1 (J) RECOGNITION OF DANGEROUS OPERATION CONDITIONS.

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

7 SEC. 13D. (1) THE DIRECTOR SHALL NOT ISSUE A REGISTRATION FOR
8 A TITLE DESCRIBED IN SECTION 13A(2) UNLESS THE APPLICANT MEETS THE
9 REQUIREMENTS FOR THE CLASSIFICATION AS PRESCRIBED IN SUBSECTIONS
10 (2) TO (6).

11 (2) AN APPLICANT FOR A LOW PRESSURE BOILER OPERATOR
12 REGISTRATION SHALL HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE
13 OPERATING OR MAINTAINING LOW OR HIGH PRESSURE BOILERS, STEAM PRIME
14 MOVERS, OR ASSOCIATED AUXILIARIES.

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

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

19 (B) A LOW PRESSURE BOILER OPERATOR'S REGISTRATION AND NOT LESS
20 THAN 1 YEAR OF EXPERIENCE IN THE OPERATION OF A LOW PRESSURE
21 BOILER.

22 (C) NOT LESS THAN 1 YEAR OF EITHER A QUALIFIED TRAINING
23 PROGRAM, A QUALIFIED TECHNICAL EDUCATION PROGRAM, OR AN APPROVED
24 APPRENTICESHIP PROGRAM.

25 (4) AN APPLICANT FOR A THIRD-CLASS STATIONARY ENGINEER
26 REGISTRATION SHALL MEET 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

27 (A) BE REGISTERED AS A HIGH PRESSURE BOILER OPERATOR AND HAVE

1 NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION OF A HIGH
2 PRESSURE BOILER.

3 (B) BE REGISTERED AS A LOW PRESSURE BOILER OPERATOR, HAVE NOT
4 LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION OF A LOW PRESSURE
5 BOILER, AND HAVE NOT LESS THAN 1 YEAR OF MAINTENANCE EXPERIENCE ON
6 HIGH PRESSURE BOILERS AND ASSOCIATED AUXILIARIES.

7 (C) BE REGISTERED AS A HIGH PRESSURE BOILER OPERATOR AND HAVE
8 NOT LESS THAN 1 YEAR OF BOILER MAINTENANCE EXPERIENCE OR NOT LESS
9 THAN 1 YEAR AS AN APPRENTICE IN AN APPROVED TRAINING PROGRAM IN A
10 HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING SURFACE OF
11 MORE THAN 4,000 SQUARE FEET.

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

15 (E) HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION
16 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
17 HEATING SURFACE OF MORE THAN 4,000 SQUARE FEET ALONG WITH
18 SUFFICIENT EXPERIENCE OPERATING STEAM PRIME MOVERS IN EXCESS OF 10
19 HORSEPOWER FOR A COMBINED TOTAL OF NOT LESS THAN 3 YEARS OF
20 EXPERIENCE.

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

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

3 (A) BE REGISTERED AS A THIRD-CLASS STATIONARY ENGINEER AND
4 HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE AS A THIRD-CLASS STATIONARY
5 ENGINEER.

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

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

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

21 (E) HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE IN THE OPERATION
22 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
23 HEATING SURFACE OF MORE THAN 7,500 SQUARE FEET ALONG WITH
24 SUFFICIENT EXPERIENCE OPERATING BOILERS IN A HIGH PRESSURE BOILER
25 PLANT HAVING AN AGGREGATE HEATING SURFACE OF MORE THAN 4,000 SQUARE
26 FEET FOR A COMBINED TOTAL OF NOT LESS THAN 4 YEARS OF EXPERIENCE.

27 (6) AN APPLICANT FOR A FIRST-CLASS STATIONARY ENGINEER

1 REGISTRATION SHALL MEET 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

2 (A) BE REGISTERED AS A SECOND-CLASS STATIONARY ENGINEER AND
3 HAVE NOT LESS THAN 2 YEARS OF EXPERIENCE AS A SECOND-CLASS
4 STATIONARY ENGINEER.

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

8 (C) HAVE NOT LESS THAN 2 YEARS OF EXPERIENCE IN THE OPERATION
9 OF BOILERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE
10 HEATING SURFACE OF MORE THAN 20,000 SQUARE FEET ALONG WITH
11 SUFFICIENT EXPERIENCE OPERATING STEAM PRIME MOVERS IN EXCESS OF 200
12 HORSEPOWER FOR A COMBINED TOTAL OF NOT LESS THAN 6 YEARS OF
13 EXPERIENCE.

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

21 (E) COMPLETE A 4-YEAR APPROVED APPRENTICESHIP PROGRAM OR A 4-
22 YEAR QUALIFIED TRAINING PROGRAM.

23 (F) COMPLETE A 4-YEAR PROGRAM WITH A BACHELOR'S DEGREE FROM A
24 COLLEGE OR UNIVERSITY IN ENGINEERING, ENGINEERING TECHNOLOGY,
25 HEATING/POWER TECHNOLOGY, OR ENERGY TECHNOLOGY WHOSE PROGRAM IS
26 APPROVED BY THE BOARD AND WHICH INCLUDES A HANDS-ON POWER OPTION
27 FROM A 2-YEAR COMMUNITY COLLEGE PROGRAM OR THE EQUIVALENT, AS

1 DETERMINED BY THE BOARD, AND NOT LESS THAN 1 YEAR OF EMPLOYMENT,
2 INTERNSHIP, OR COOPERATIVE EDUCATION EXPERIENCE IN A STEAM ELECTRIC
3 GENERATION PLANT OR HIGH PRESSURE STEAM HEATING PROCESS PLANT.

4 Sec. 14. (1) ~~An inspector's, repairer's, or installer's~~ **THE**
5 **CHIEF INSPECTOR MAY SUSPEND THE** license ~~may be suspended by the~~
6 ~~chief inspector for~~ **OF AN INSPECTOR, REPAIRER, OR INSTALLER OR THE**
7 **REGISTRATION OF A BOILER OPERATOR OR STATIONARY ENGINEER DUE TO** the
8 incompetence of the ~~holder thereof or for wilful~~ **REGISTRANT OR**
9 **LICENSEE OR DUE TO WILLFUL** falsification of ~~any~~ **A** matter or
10 statement contained in ~~his~~ **THAT REGISTRANT'S OR LICENSEE'S**
11 application or in a report of ~~any~~ inspection made by ~~him~~ **THE**
12 **REGISTRANT OR LICENSEE**. Written notice of the suspension shall be
13 given by the chief inspector within ~~not more than~~ 10 days **AFTER THE**
14 **SUSPENSION** to the **REGISTRANT OR** licensee, ~~his~~ **THE REGISTRANT'S OR**
15 **LICENSEE'S** employer, and the board. A person whose **REGISTRATION OR**
16 license has been suspended may appeal to the board as provided in
17 section 22 and be present in person and be represented by counsel
18 at the hearing of the appeal.

19 (2) If the board has reason to believe that a **REGISTRANT OR**
20 licensee is no longer qualified to hold his **OR HER REGISTRATION OR**
21 license, the board, upon not less than 10 days' written notice to
22 the **REGISTRANT OR** licensee and ~~his~~ **THE REGISTRANT'S OR LICENSEE'S**
23 employer, shall hold ~~a~~ **AN ADMINISTRATIVE** hearing at which the
24 **REGISTRANT OR** licensee and his **OR HER** employer shall have an
25 opportunity to be heard. If, as a result of the hearing, the board
26 finds that the **REGISTRANT OR** licensee is no longer qualified to
27 hold his **OR HER REGISTRATION OR** license, the board shall recommend

1 to the ~~commissioner~~**DIRECTOR** that the **REGISTRATION OR** license be
2 revoked, and the ~~commissioner~~**DIRECTOR** shall thereupon**IMMEDIATELY**
3 revoke ~~such~~**THE REGISTRATION OR** license. ~~forthwith.~~

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

7 Sec. 24. (1) ~~It shall be unlawful for any~~ **AN INDIVIDUAL, OR**
8 **OTHER** person, ~~firm, partnership, or corporation to~~ **SHALL NOT**
9 operate ~~in this state~~ a boiler without a valid inspection
10 certificate. The operation of a boiler without ~~such~~ **A VALID**
11 inspection certificate ~~,~~ or at a pressure exceeding that specified
12 in ~~such~~ **THE** inspection certificate ~~,~~ is a misdemeanor on the part
13 of the owner, user, or operator thereof ~~and shall be punishable by~~
14 ~~a fine not exceeding \$500.00, or imprisonment not to exceed~~ **FOR NOT**
15 **MORE THAN** 60 days, or **BY A FINE OF NOT MORE THAN \$500.00, OR both.**
16 Each day of the unlawful operation is a separate offense.

17 (2) **A PERSON USING A TITLE DESCRIBED IN SECTION 13A(2) WITHOUT**
18 **A REGISTRATION ISSUED UNDER THIS ACT IS GUILTY OF A MISDEMEANOR**
19 **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS, A FINE OF NOT**
20 **MORE THAN \$2,000.00, OR BOTH.**

21 (3) **A BUSINESS ENTITY USING OR ADVERTISING THE USE OF AN**
22 **INDIVIDUAL HAVING A TITLE DESCRIBED IN SECTION 13A(2), IF THAT**
23 **INDIVIDUAL IS NOT REGISTERED UNDER THIS ACT, IS GUILTY OF A**
24 **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS, A**
25 **FINE OF NOT MORE THAN \$2,000.00, OR BOTH.**