

~~been are vested to in~~ the jurisdiction of the commission by Laws 1974, Chapter 429 ~~this chapter~~. However, in the event that a court of competent jurisdiction determines, or the parties by mutual agreement determine, that an existing license, permit, franchise or other right has been abrogated or impaired by Laws 1974, Chapter 429 ~~this chapter~~, or its execution, the municipality affected shall impose and the public utility shall collect an excise tax on the utility charges which from year to year yields an amount which is reasonably equivalent to that amount of revenue which then would be due as a fee, charges or other thing or service of value to the municipality under the franchise, license or permit. The authorization shall be over and above taxing limitations including, but not limited to those of section 477A.01, subdivision 18. Franchises granted pursuant to this section shall be exempt from the provisions of chapter 80C. For purposes of this section, a public utility shall include a cooperative electric association.

Sec. 2. Minnesota Statutes 1980, Section 216B.49; Subdivision 5, is amended to read:

Subd. 5. The requirements of this section are in addition to any other requirements of law and, specifically, the requirements of chapter 80A, and the rules and regulations promulgated pursuant thereto. Notwithstanding any charter or ordinance to the contrary, no city shall have jurisdiction over the securities or indebtedness of a public utility.

Approved February 19, 1982

CHAPTER 379 — S.F.No. 429

An act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1980, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.53; 183.54; 183.545; 183.60; 183.61; 183.62; amending Minnesota Statutes 1981 Supplement, Sections 183.52; 183.56; 183.57, Subdivision 2, and by adding a subdivision; and 183.59; and proposing new law coded in Minnesota Statutes, Chapter 183; repealing Minnesota Statutes 1980, Section 183.39, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 183.375, Subdivision 2, is amended to read:

Subd. 2. **CHIEF OF DIVISION.** Subject to the provisions of chapter 43, the commissioner shall appoint a chief and a deputy chief of the division of boiler inspection. They shall be qualified steam engineers with at least ten years of experience as such and shall be licensed as chief Grade A engineers in this

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state and shall possess a current commission issued by the national board of boiler and pressure vessel inspectors. Inspectors employed in the division of boiler inspection may utilize up to five years of equivalent experience as inspectors, in satisfying the requirement of ten years of experience as steam engineers for the chief and deputy chief positions.

Sec. 2. Minnesota Statutes 1980, Section 183.38, is amended to read:

183.38 BOILER INSPECTOR; INSPECTIONS; EXAMINATIONS; LICENSES.

Subdivision 1. **ALL BOILERS INSPECTED.** The division of boiler inspection shall inspect all ~~steam~~ boilers and pressure vessels in use not expressly excepted from such inspection by law. Immediately upon inspection the division of boiler inspection shall issue a ~~license~~ certificate of inspection therefor or a certificate condemning the boiler or pressure vessel and shall seal it. Forms for these licenses and certificates shall be prepared and furnished by the commission. The division of boiler inspection shall examine all applicants for engineer's licenses. The chief of the division of boiler inspection shall issue such license to an applicant as the examination shall show ~~he~~ the applicant is entitled to receive.

Subd. 2. **INSPECTOR'S EXAMINATION.** For the purpose of examining applicants for license the chief of the division of boiler inspection or ~~his~~ the deputy chief shall fix and determine a time and place for the examinations, and give notice to all applicants of the time and place. The chief or ~~his~~ the deputy chief shall grant and sign such license certificates as applicants are entitled to receive upon examination. Applicants may be examined and issued certificates of competency as inspectors of boilers and pressure vessels.

Sec. 3. Minnesota Statutes 1980, Section 183.39, Subdivision 1, is amended to read:

Subdivision 1. Each boiler inspector shall be a person of good moral character, and shall be licensed in this state as a chief grade A engineer, ~~except for the purpose of organizing the division under Laws 1957, Chapter 503, the requirements of this subdivision shall not apply and must hold a national board commission as a boiler inspector within 12 months of being employed as a boiler inspector by the department.~~ There shall be a qualifying examination conducted among the present inspectors regardless of license. The requirements for inspectors hired after the qualifying examination shall be as required in this subdivision. He An inspector shall not be interested in the manufacture or sale of boilers or steam machinery or in any patented article required or generally used in the construction of engines or boilers or their appurtenances.

Sec. 4. Minnesota Statutes 1980, Section 183.41, Subdivision 2, is amended to read:

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Subd. 2. The department shall prescribe ~~regulations~~ rules for the annual inspection of the hulls, machinery, boilers, steam connections, fire fighting apparatus, life saving appliances and equipment of all power boats navigating the inland waters of the state, which shall conform as near as may be to the requirements and specifications of the United States Coast Guard as provided in Title 46, Code of Federal Regulations in similar cases; these ~~regulations~~ rules shall have the force of law.

Sec. 5. Minnesota Statutes 1980, Section 183.42, is amended to read:

183.42 INSPECTION EACH YEAR.

Every owner, lessee, or other person having charge of ~~steam~~ boilers, ~~unfired~~ pressure vessels or any boat subject to inspection under this chapter shall cause the same to be inspected at ~~least once each year~~ by the division of boiler inspection. Boilers and boats subject to inspection under this chapter shall be inspected at least annually and pressure vessels inspected at least every two years.

Sec. 6. Minnesota Statutes 1980, Section 183.44, is amended to read:

183.44 EXAMINATIONS; REGULATIONS; LICENSING, REVOCATIONS.

Subdivision 1. **MASTERS AND PILOTS.** The division of boiler inspection shall examine all masters and pilots of ~~steamboats and vessels and all gasoline~~ boats and vessels carrying passengers for hire on the inland waters of the state as to their qualifications and fitness. If found trustworthy and competent to perform his their duties as a master or pilot ~~he they~~ shall be given a certificate authorizing ~~him them~~ to act as such on the inland waters of the state ~~designated in the certificate.~~

Subd. 2. **RULES.** The division of boiler inspection shall make such ~~regulations~~ rules for inspection and operation of boats subject to inspection under this chapter, boilers and pressure vessels, the licensing of engineers and pilots, and the navigation of any such boat or vessel as will require their operation without danger to life or property.

Subd. 3. **SUSPENSION, REVOCATION.** The division of boiler inspection shall may suspend or revoke the license of any master, pilot or engineer found under the influence of ~~intoxicating liquor~~ drugs or alcohol when on duty or who otherwise disregards the provisions of sections 183.375 to 183.62 or any regulation rule promulgated by it thereunder.

Sec. 7. Minnesota Statutes 1980, Section 183.45, is amended to read:

183.45 INSPECTION.

All ~~steam~~ boilers and steam generators shall be inspected by the division of boiler inspection before same are used and all boilers shall be inspected at least once each year thereafter. Inspectors shall may subject all boilers to hydrostatic

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pressure or hammer test, and shall ascertain by a thorough internal and external examination that they are well made and of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the flues are circular in form; that the arrangements for delivering the feed water are such that the boilers cannot be injured thereby; and that such boilers and their ~~steam~~ connections may be safely used without danger to life or property. Inspectors shall ascertain that the safety valves are of suitable dimensions, sufficient in number, and properly arranged, and that the safety valves are so adjusted as to allow no greater pressure in the boilers than the amount prescribed by the inspector's certificate; that there is a sufficient number of gauge cocks, properly inserted, to indicate the amount of water, and suitable gauges that will correctly record the pressure of ~~steam~~; and that the fusible metals are properly inserted where required so as to fuse by the heat of the furnace whenever the water in the boiler falls below its prescribed limit; and that provisions are made for an ample supply of water to feed the boilers at all times, ~~so that in high-pressure boilers the water shall not be less than three inches above the top of the fire surface~~; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts when under pressure of ~~steam~~.

Sec. 8. Minnesota Statutes 1980, Section 183.46, is amended to read:

183.46 TESTS.

In subjecting both high and low pressure boilers and ~~unfired~~ pressure vessels to the hydrostatic test, and to determine the safe allowable working pressure, the inspector shall use the latest approved formula of the American Society of Mechanical Engineers Code.

Sec. 9. Minnesota Statutes 1980, Section 183.465, is amended to read:

183.465 STANDARDS OF INSPECTION.

The engineering standards of boilers and ~~unfired~~ pressure vessels for use in this state shall be that established by the current edition of the construction ~~code~~, operation and care of, inservice inspection and testing, and controls and safety devices codes of the American Society of Mechanical Engineers and amendments thereto and the regulations rules of the division of boiler inspection adopted by the department of labor and industry.

Sec. 10. [183.466] STANDARDS OF REPAIRS.

The recommended rules for repair of boilers and pressure vessels for use in this state shall be those established by the national board of boiler and pressure vessel inspectors inspection code and the rules of the division of boiler inspection adopted by the department of labor and industry.

Sec. 11. Minnesota Statutes 1980, Section 183.48, is amended to read:

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183.48 SPECIAL EXAMINATION.

At any time the inspector deems it necessary ~~he shall make~~ an examination shall be made of any boiler or unfired pressure vessel which there is reason to believe has become unsafe, and notify the owners or operators thereof of any defect therein, and what repairs are necessary. Such boiler or unfired pressure vessel shall not thereafter be used until so repaired. Boilers found to be operated by unlicensed or improperly licensed persons shall not be used until the operators are properly licensed. If circumstances warrant continued operation, approval may be given for continuing operation for a specific period of time, not to exceed 30 days, at the discretion of the boiler inspector.

Sec. 12. Minnesota Statutes 1980, Section 183.50, is amended to read:

183.50 INSPECTION OF STEAM BOILERS AND PRESSURE VESSELS.

The owner or manager of a steam boiler or unfired pressure vessel shall allow inspectors full access thereto. Every engineer operating a steam boiler shall assist the inspector in his the examination, and point out any known defects in the boilers, steam engines or turbines in his charge. No person shall be entrusted with the operation of any steam boiler, steam engines, or turbine who has not received a license of such grade as to cover that steam boiler, steam engines or turbines. The license shall be renewed annually. When a violation of this section occurs the division of boiler inspection shall cause a complaint to be made for the prosecution of the offender.

Sec. 13. [183.501] LICENSE REQUIREMENT.

(a) No person shall be entrusted with the operation of or operate any boiler, steam engine, or turbine who has not received a license of grade covering that boiler, steam engine or turbine. The license shall be renewed annually. When a violation of this section occurs the division of boiler inspection may cause a complaint to be made for the prosecution of the offender and shall be entitled to sue for and obtain injunctive relief in the district courts for such violations.

(b) For purposes of this chapter, "operation" shall not include monitoring of an automatic boiler, either through on premises inspection of the boiler or by remote electronic surveillance, provided that no operations are performed upon the boiler other than emergency shut down in alarm situations.

Sec. 14. [183.502] SCHOOL ENGINEER OPERATIONAL REQUIREMENTS.

Any custodial engineer employed by a school whose duties include the operation of a boiler shall be licensed pursuant to Minnesota Statutes, Section 183.51, to operate the particular class of boiler used in the school.

Sec. 15. Minnesota Statutes 1980, Section 183.51, is amended to read:

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183.51 EXAMINATIONS; CLASSIFICATIONS; QUALIFICATIONS.

Subdivision 1. **ENGINEERS, CLASSES.** Engineers shall be divided into ~~five~~ four classes:

(1) Chief engineers; Grade A, Grade B, and Grade C. (2) first class engineers; Grade A, Grade B, and Grade C. (3) second class engineers; Grade A, Grade B, and Grade C. (4) third class Special engineers. (5) fourth class engineers.

Subd. 2. **APPLICATIONS.** Any person who desires an engineer's license shall make a written application, on blanks furnished by the inspector. ~~He~~ The person shall also successfully pass a written examination for such grade of license applied for.

Subd. 3. **HIGH AND LOW PRESSURE BOILERS.** For the purposes of sections 183.50, 183.51, high pressure boilers shall mean boilers operating at a pressure in excess of 15psi. ~~Low pressure shall mean boilers operating at a pressure of 15psi or less steam or other vapor pressure in excess of 15 p.s.i.g., or a water or other liquid boiler in which the pressure exceeds 160 p.s.i.g. or a temperature of 250 degrees Fahrenheit.~~

Low pressure boilers shall mean boilers operating at a steam or other vapor pressure of 15 p.s.i.g. or less, or a water or other liquid boiler in which the pressure does not exceed 160 p.s.i.g. or a temperature of 250 degrees Fahrenheit.

Subd. 4. **CHIEF ENGINEER, HIGH PRESSURE GRADE A.** A person seeking licensure as a chief engineer, Grade A, shall be at least 18 years of age, ~~be of such and have~~ have habits and ~~have had such~~ experience as to which justify the belief that ~~he~~ the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of steam boilers, steam engines, or turbines and their appurtenances; and, before receiving a license, ~~he~~ the applicant shall take and subscribe an oath that ~~he has had~~ he is attesting to at least five years actual experience in operating such boilers, ~~steam~~ engines or turbines.

Subd. 5. **CHIEF ENGINEER, LOW PRESSURE GRADE B.** A person seeking licensure as a chief engineer, Grade B, shall be at least 18 years of age, ~~be of such and have~~ have habits and ~~have had such~~ experience as to which justify the belief that ~~he~~ the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of steam boilers, and their appurtenances; and, before receiving a license, ~~he~~ the applicant shall take and subscribe an oath that ~~he has~~ he is attesting to at least five years actual experience in operating such those boilers.

Subd. 6. **CHIEF ENGINEER, GRADE C.** A person seeking licensure as a chief engineer, Grade C, shall be at least 18 years of age, ~~be of such and have~~ have habits and ~~have had such~~ experience as to which justify the belief that ~~he~~ the person is competent to take charge of and be responsible for the safe operation

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and maintenance of all classes of low pressure steam boilers and their appurtenances, and before receiving a license, ~~he~~ the applicant shall take and subscribe an oath that ~~he has~~ attesting to at least five years of actual experience in operating such boilers.

Subd. 7. **FIRST-CLASS ENGINEER, HIGH PRESSURE GRADE A.** A person seeking licensure as a first-class engineer, grade A, shall be at least 18 years of age, be of such and have habits and have had such experience as to which justify the belief that he the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of steam boilers, steam engines, or turbines and their appurtenances of not more than 300 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license, ~~he~~ the applicant shall take and subscribe an oath that ~~he has had~~ attesting to at least three years actual experience in operating such boilers, steam engines, or turbines.

Subd. 8. **FIRST CLASS ENGINEER, GRADE B.** A person seeking licensure as a first-class engineer, Grade B, shall be at least 18 years of age, be of such and have habits and have had such experience as to which justify the belief that he the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of steam boilers of not more than 300 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license ~~he~~ the applicant shall take and subscribe an oath that ~~he has had~~ attesting to at least three years actual experience in operating such boilers.

Subd. 9. **FIRST-CLASS ENGINEER, LOW PRESSURE GRADE C.** A person seeking licensure as a first-class engineer, Grade C, shall be at least 18 years of age, be of such and have habits and have had such experience as to which justify the belief that he the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure steam boilers and their appurtenances of not more than 300 horsepower or to operate as a shift engineer in a low pressure plant of unlimited horsepower. Before receiving a license, ~~he~~ the applicant shall take and subscribe an oath that ~~he shall have had~~ attesting to at least three years actual experience in operating such boilers.

Subd. 10. **SECOND-CLASS ENGINEER, HIGH PRESSURE GRADE A.** A person seeking licensure as a second-class engineer, Grade A, shall be at least 18 years of age, be of such and have habits and have had such experience as to which justify the belief that he the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of steam boilers, steam engines, or turbines and their appurtenances of not more than 100 horsepower or to operate as a shift engineer in a plant of not more than 300 horsepower, or to assist the shift engineer, under direct supervision, in a plant of unlimited horsepower. Before receiving a license ~~he~~ the applicant shall take

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and subscribe an oath ~~that he has had~~ attesting to at least one year of actual experience in operating such boilers, ~~steam~~ engines, or turbines.

Subd. 11. **SECOND CLASS ENGINEER, GRADE B.** A person seeking licensure as a second-class engineer, Grade B, shall be at least 18 years of age, be of such and have habits and have had such experience as to which justify the belief that he the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of steam boilers of not more than 100 horsepower or to operate as a shift engineer in a plant of not more than 300 horsepower or to assist the shift engineer, under direct supervision, in a plant of unlimited horsepower. Before receiving a license ~~he the applicant~~ shall take and subscribe an oath ~~that he has had~~ attesting to at least one year of actual experience in operating such boilers.

Subd. 12. **SECOND-CLASS ENGINEER, LOW PRESSURE GRADE C.** A person seeking licensure as a second-class engineer, Grade C, shall be at least 18 years of age, be of such and have habits and have had such experience as to which justify the belief that he the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure steam boilers and their appurtenances of not more than 100 horsepower or to operate as a shift engineer in a low pressure plant of not more than 300 horsepower, or to assist the shift engineer, under direct supervision, in a low pressure plant of unlimited horsepower. Before receiving a license, ~~he the applicant~~ shall take and subscribe an oath ~~that he has had~~ attesting to at least one year of actual experience in operating such boilers.

Subd. 13. **SPECIAL ENGINEER.** Third-class A person seeking licensure as a special engineers engineer shall be at least 18 years of age, be of such and have habits and have had such experience as to which justify the belief that he the person is competent to take charge of and be responsible for the safe operation and maintenance of all classes of steam boilers and their appurtenances of not more than 30 horsepower or to operate as a shift engineer in a plant of not more than 100 horsepower, or to serve as an apprentice in any plant under the direct supervision of the properly licensed engineer. Before receiving a license ~~he~~ shall take and subscribe an oath ~~that he has had~~ at least six months of actual experience in operating such boilers.

Subd. 14. A fourth-class engineer shall be at least 18 years of age, be of such habits and acquainted with the duties of an engineer to justify the belief that he can be safely entrusted with low pressure steam boilers of not more than 30 horsepower.

Subd. 15 **14. CURRENT BOILER OPERATORS.** Any person who, at the time of the enactment of Laws 1947, Chapter 563, was, and since that time has been licensed as a first-class or second-class engineer, shall be granted a renewal license for Grade A of the respective classification without examination upon application therefor, or who held a special license shall be granted a

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~~third class license without examination upon application therefor~~ Any person operating a boiler other than a steam boiler at the effective date of sections 1 to 27 shall be qualified for application for the applicable class license upon presentation of an affidavit furnished by an inspector and sworn to by his employer or a chief engineer. The applicant must have at least the number of years of actual experience specified for the class of license requested and pass the appropriate examination.

Subd. 16. Any person, who received a first-class or second-class engineer's license after enactment of Laws 1947, Chapter 563, but before April 30, 1957, upon presentation of an affidavit furnished by the inspector and sworn to by his employer or a chief engineer stating that he has had the required steam engine or turbine experience, shall be granted a renewal license without further examination for Grade A of the respective classification. Any other engineer licensed during such period shall receive a Grade B license of the respective classification unless he otherwise qualifies as provided in this section.

Subd. 17. Any person with a chief engineer's license received before the effective date of sections 183.50, 183.51, shall receive a Grade A license.

Subd. 18. Engineers now licensed and operating a low pressure boiler at the time of enactment of sections 183.50, 183.51, shall be issued a license to cover their respective position, upon presentation of an affidavit furnished by the inspector and sworn to by his employer or a chief engineer.

Subd. 15. **RATING HORSEPOWER.** For the purpose of rating boiler horsepower for engineer license classifications only: ten square feet of heating surface shall be considered equivalent to one boiler horsepower for conventional boilers and five square feet of heating surface equivalent to one boiler horsepower for steam coil type generators.

Sec. 16. Minnesota Statutes 1981 Supplement, Section 183.52, is amended to read:

183.52 REVOCATION OF LICENSE.

~~When any person makes a complaint against any licensed engineer that, by reason of negligence, want of skill, inattention to duty, or violation of any provision of sections 183.375 to 183.57, the engineer permitted a boiler to burn or become in bad condition, the license of that engineer shall be revoked by the division of boiler inspection upon satisfactory evidence. An engineer aggrieved by a revocation of his license on any of these grounds may appeal to the commissioner of labor and industry. The decision of the commissioner in the case is final.~~

The chief boiler inspector or his representative may issue cease and desist orders to any person found to be in violation of sections 183.375 to 183.62 or the rules adopted thereunder, or for otherwise operating or allowing a boiler or

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pressure vessel to be operated under unsafe or dangerous conditions, and may petition for enforcement of the order in the district court. The department may also suspend or revoke the license of any engineer for a violation.

Sec. 17. Minnesota Statutes 1980, Section 183.53, is amended to read:

183.53 VERIFICATION OF CERTIFICATE.

In making an inspection of boilers, machinery, or ~~steam~~ vessels, inspectors may act jointly or separately. In all cases inspectors shall verify the certificate of inspection.

Sec. 18. Minnesota Statutes 1980, Section 183.54, is amended to read:

183.54 ~~DISTRICT~~ BOILER INSPECTOR TO DELIVER CERTIFICATES; PAYMENT OF INSPECTION FEES.

Subdivision 1. **SAFETY CERTIFICATE.** After examination and tests, if a boiler inspector finds any ~~steam~~ boiler or pressure vessel safe and suitable for use, ~~he~~ the inspector shall deliver to the chief boiler inspector a verified certificate in such form as prescribed by the chief boiler inspector containing a specification of the tests applied and the working pressure allowed. A copy of the certificate is delivered to the owner of the boiler or pressure vessel, who shall place and retain the same in a conspicuous place on or near the boiler or pressure vessel.

Subd. 2. **FEES.** Fees for the inspection of ~~steam~~ boilers and pressure vessels are payable at the time of the delivery of the certificate.

Subd. 3. **FAILURE TO PAY FEE.** If the owner or lessee of any boiler or pressure vessel, which boiler or pressure vessel has been duly inspected, refuses to pay the required fee within 30 days from the date of the inspection, the chief boiler inspector, or his deputy, may seal the boiler or pressure vessel until the fee is paid.

Sec. 19. Minnesota Statutes 1980, Section 183.545, is amended to read:

183.545 FEES FOR INSPECTION.

Subdivision 1. **FEE AMOUNT; VESSELS.** The fees for the inspection of the hull, boiler, machinery, and equipments of vessels are:

Vessels of 50 tons burden or over, ~~\$20~~ \$30.

Vessels of less than 50 tons burden, ~~\$10~~ \$15.

Subd. 2. **FEE AMOUNTS; MASTERS AND PILOTS.** The fee for an examination of an applicant for a master's or pilot's license is ~~\$8~~ \$10. The fee for an annual renewal of a master's or a pilot's license is \$6 or \$8 if paid later than 10 days after expiration.

Subd. 3. **INSPECTION FEES.** The fees for the annual inspection of boilers and biennial inspection of pressure vessels are:

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Boiler inaccessible for internal inspection, \$15

Boiler accessible for internal inspection, \$20

Boiler internal inspection over 2,000 square feet heating surface, \$30

Boiler internal inspection over 4,000 square feet heating surface, \$40

Boiler internal inspection over 10,000 square feet heating surface, \$60

Boiler accessible for internal inspection requiring one-half day or more of inspection time shall be billed at the established shop inspection fee rate.

Pressure vessel ~~accessible~~ for internal inspection via manhole, \$10 \$15

Pressure vessel inaccessible for internal inspection, ~~\$6~~ \$10

An additional fee based on the scale of fees applicable to an inspection shall be charged when it is necessary to make a special trip for a hydrostatic test of a boiler or pressure vessel.

Shop inspection fees shall be charged as follows for full day \$145 \$190 plus \$35 per hour over eight hours, one-half day \$85 \$100, two hours or less \$50, plus mileage and reasonable expenses. Inspection time includes all time related to the shop inspection.

Subd. 4. **APPLICANTS FEES.** The fee for an examination of an applicant for an engineer's license is:

Chief engineer's license, \$20

First class engineer's license, \$15

Second class engineer's license, \$13

Special engineer's license, \$8

If an applicant, after an examination, is entitled to receive a license, it shall be issued to him without the payment of any additional charge. Any license so issued expires one year after the date of its issuance. An engineer's license may be renewed upon application therefor and the payment of an annual renewal fee as follows:

Chief engineer's license renewal \$10

First class engineer's license renewal \$10

Second class engineer's license renewal .. \$8

Special engineer's license renewal \$6

The fee is payable at the time of application, which shall be made not later than ten days after the date of expiration of such license. If application is made more than ten days after the date of expiration of such license, an expired fee shall be paid instead of the renewal fee prescribed above; the expired fees are:

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Chief engineer	\$15
First class engineer	\$12
Second class engineer	\$10
Special engineer	\$8

Subd. 5. **FEE FORFEITURE.** Where an applicant for an engineer's license has paid the fees provided by subdivision 4, and thereafter fails to take an examination ~~therefor or furnish a proper affidavit~~, within a period of one year, said application fee shall be forfeited to the state of Minnesota. ~~Application fees heretofore paid shall be forfeited to the state of Minnesota if the applicant therefor fails to take such an examination within one year from the effective date of Laws 1959, Chapter 586.~~

Subd. 6. NATIONAL BOARD INSPECTORS. The fee for an examination of an applicant for a national board of boiler and pressure vessels inspectors commission is \$25.

Subd. 7. NUCLEAR ENDORSEMENT. The fee for each examination of an applicant for a national board of boiler and pressure vessels commissioned inspectors nuclear endorsement is \$10.

Subd. 8. CERTIFICATE OF COMPETENCY. The fee for issuance of the original state of Minnesota certificate of competency for inspectors is \$10. This fee is waived for inspectors who paid the examination fee of \$25. The fee for an annual renewal of the state of Minnesota certificate of competency is \$5 and is due January 1 of each year.

Sec. 20. Minnesota Statutes 1981 Supplement, Section 183.56, is amended to read:

183.56 EXCEPTIONS.

The provisions of sections 183.38 to ~~183.57~~ 183.62, shall not apply to heating plants in buildings occupied solely for residence purposes with accommodations therein for not more than four families, nor to domestic type water supply heaters regardless of where installed, nor to railroad locomotives operated by railroad companies for transportation purposes, nor in railroad construction work, nor for unloading materials or freight, nor to railroad-locomotive engineers and firemen employed by railroad companies, nor to tanks or cylinders used for storage or transfer of liquefied petroleum gases, nor to unfired pressure vessels in petroleum refineries; nor to an air tank or pressure vessel which is an integral part of a passenger motor bus, truck or trailer:

(1) Boilers in buildings occupied solely for residence purposes with accommodations for not more than five families;

(2) Railroad locomotives operated by railroad companies for transportation purposes;

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(3) Air tanks installed on the right-of-way of railroads and used directly in the operation of trains;

(4) Boilers and pressure vessels under the direct jurisdiction of the United States;

(5) Unfired pressure vessels having an internal or external working pressure not exceeding 15 p.s.i.g. with no limit on size;

(6) Pressure vessels used for storage of compressed air not exceeding five cubic feet in volume and equipped with an American Society of Mechanical Engineers code stamped safety valve set at a maximum of 100 p.s.i.g.;

(7) Pressure vessels having an inside diameter not exceeding six inches or a length not exceeding 36 inches;

(8) Pressure vessels with a nominal water containing capacity of 120 gallons or less for containing water under pressure including those containing air the compression of which serves only as a cushion;

(9) Boiler or pressure vessels located on farms used solely for agricultural or horticultural purposes;

(10) Tanks or cylinders used for storage or transfer of liquified petroleum gases;

(11) Unfired pressure vessels in petroleum refineries;

(12) An air tank or pressure vessel which is an integral part of a passenger motor bus, truck, or trailer;

(13) Hot water heating and other hot liquid boilers not exceeding a heat input of 750,000 BTU per hour;

(14) Hot water supply boilers (water heaters) not exceeding a heat input of 500,000 BTU per hour, a water temperature of 210 degrees Fahrenheit, a nominal water capacity of 120 gallons, or a pressure of 160 p.s.i.g.; and

(15) Laundry and dry cleaning presser not exceeding five cubic feet of steam volume.

An engineers license is not required for hot water supply boilers.

An engineers license is not required for boilers, steam cookers, steam kettles, steam sterilizers or other steam generators not exceeding 100,000 BTU per hour input, 25 kilowatt, 2-1/2 horsepower or a pressure of 15 p.s.i.g.

Electric boilers not exceeding a maximum working pressure of 50 p.s.i.g., maximum of 30 kilowatt input or three horsepower rating shall be inspected as pressure vessels and shall not require an engineer license to operate.

Sec. 21. Minnesota Statutes 1981 Supplement, Section 183.57, Subdivision 2, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. Every boiler or pressure vessel as to which any insurance company authorized to do business in this state has issued a policy of insurance, after the inspection thereof, is exempt from inspection made under sections 183.375 to ~~183.57~~ 183.62, while the same continues to be insured and the person, firm, or corporation owning or operating the same has an unexpired certificate of exemption from inspection, issued by the chief boiler inspector upon receipt of. The exemption fee of \$4 for each object \$10 on the first object inspected and \$5 on each object thereafter shall apply to each exempt object. A certificate of exemption expires one year from date of issue. The certificate of exemption shall be posted in a conspicuous place near the boiler or pressure vessel or in the plant office or boiler room described therein and to which it relates. Every insurance company shall give written notice to the chief boiler inspector of the cancellation or expiration of every policy of insurance issued by it with reference to policies in this state, and the cause or reason for the cancellation or expiration. These notices of cancellation or expiration shall show the date of the policy and the date when the cancellation has or will become effective.

Sec. 22. Minnesota Statutes 1980, Section 183.57, is amended by adding a subdivision to read:

Subd. 4. CERTIFICATE OF EXEMPTION. The division of boiler inspection may issue a billing and exemption certificate for each boiler and pressure vessel which the division records indicate shall be or has been inspected by an insurance company which is providing coverage for the boilers and pressure vessels. The division may determine the monthly schedule of the billings to be followed for each business insured.

Sec. 23. Minnesota Statutes 1981 Supplement, Section 183.59, is amended to read:

183.59 VIOLATIONS BY INSPECTORS.

Every inspector who wilfully certifies falsely regarding any ~~steam~~ boiler or its attachments, or pressure vessel, or the hull and equipments of any steam vessel, or who grants a license to any person to act as engineer, master, or pilot contrary to any provision of sections 183.375 to ~~183.57~~ 183.62, is guilty of a ~~felony misdemeanor~~. Upon conviction he shall be punished by a fine which shall not be less than \$50 nor more than \$500 or by imprisonment in the Minnesota correctional facility-Stillwater for not more than one year, or by both. In addition to this punishment ~~he~~ the inspector shall be removed from office forthwith.

Sec. 24. Minnesota Statutes 1980, Section 183.60, is amended to read:

183.60 VIOLATIONS IN CONSTRUCTION; REPAIR; SALE.

Every person who constructs a boiler or steam pipe or iron or steel plates known to be faulty or imperfect, or drifts any rivet hole to make it come fair, or

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who delivers any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, is guilty of a gross misdemeanor. Upon conviction he shall be punished by a fine of \$200. One-half of the fine shall be paid to the informer.

Subdivision 1. CONSTRUCTION VIOLATION. Every person who constructs a boiler, boiler piping, or a pressure vessel so as not to meet the minimum construction requirements of the American Society of Mechanical Engineers boiler and pressure vessel code, and the rules of the division of boiler inspection adopted by the department of labor and industry is guilty of a gross misdemeanor.

Subd. 2. REPAIR VIOLATION. Every person who repairs a boiler or pressure vessel by welding or riveting so as not to meet the minimum requirements established by the current edition of the national board of boiler and pressure vessel inspectors inspection code and the rules of the division of boiler inspection adopted by the department of labor and industry is guilty of a gross misdemeanor.

Subd. 3. SALE VIOLATION. Every manufacturer, jobber, dealer or person selling or offering for sale a boiler or pressure vessel that does not meet the minimum construction requirements of the American Society of Mechanical Engineers boiler and pressure vessel code and the rules of the division of boiler inspection adopted by the department of labor and industry is guilty of a gross misdemeanor.

Sec. 25. Minnesota Statutes 1980, Section 183.61, is amended to read:

183.61 VIOLATIONS BY THOSE RESPONSIBLE FOR OPERATION.

Subdivision 1. **VIOLATING REGULATIONS.** Any owner, master, or other person violating any regulation prescribed by the department of labor and industry is guilty of a misdemeanor.

Subd. 2. **INSPECTION VIOLATION.** Any person who causes to be operated, or operates, any steam boiler or boat ~~subject to the provisions of Laws 1957, Chapter 503,~~ without having the same inspected at least once each year or pressure vessel without having it inspected biennially, and without having the proper engineer or pilot license is guilty of a misdemeanor.

Subd. 3. **BOATS.** Every owner, lessee, master, or pilot violating any provision of section 183.44 is guilty of a misdemeanor.

Subd. 4. **FAILURE TO REPAIR.** Every person operating or causing to be operated any boiler or pressure vessel after it has been examined and found to be unsafe and after the owner or operator thereof has been notified of any defect therein and what repairs are necessary to remedy the defect who fails to comply with the inspector's requirements is guilty of a misdemeanor.

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Subd. 5. **SECTION 183.50 VIOLATION.** Every person who violates any provision of section 183.50 is guilty of a misdemeanor.

Subd. 6. **INSURANCE REPORTS.** Any insurance company that fails to comply with the requirements of section 183.57 is guilty of a misdemeanor. ~~Upon conviction the company shall be fined not to exceed \$50.~~

Sec. 26. Minnesota Statutes 1980, Section 183.62, is amended to read:

183.62 LIABILITY OF PERSONS OPERATING BOATS, BOILERS OR PRESSURE VESSELS; PENALTY.

Every person who shall apply, or cause to be applied, to a ~~steam boiler or pressure vessel~~ a higher pressure of ~~steam~~ than is allowed by law, or by the inspector, officer, or person authorized to limit the same; ~~and every owner and lessee of a boiler or pressure vessel having knowledge of such application, or of circumstances which would cause such an application, shall be guilty of a gross misdemeanor.~~ Every captain or other person having charge of the machinery ~~of boiler of a steamboat boat~~ used for the conveyance of passengers in the waters of this state, ~~who, from ignorance or gross neglect, or for the purpose of increasing the speed of the boat, shall create, or cause to be created, an undue and unsafe pressure of steam;~~ and every engineer or other person having charge of a ~~steam boiler, steam engine, or other apparatus for generating or employing steam, employed in a railway, manufactory, or other mechanical works,~~ who shall wilfully, or from ignorance or gross neglect, create, or allow to be created, such an undue quantity of steam as to burst the boiler, engine, or apparatus, or cause any other accident, whereby human life is endangered, any condition whereby human life is endangered, and every owner and lessee of a boat, boiler, steam engine, or other apparatus for generating or supplying steam who has knowledge of such a condition, or of circumstances which would cause such a condition, shall be guilty of a gross misdemeanor.

Sec. 27. **REPEALER.**

Minnesota Statutes 1980, Section 183.39, Subdivision 2, is repealed.

Sec. 28. **EFFECTIVE DATE.**

Sections 1 to 27 are effective April 15, 1982.

Approved February 26, 1982

CHAPTER 380 — S.F.No. 2174

An act relating to appropriations; canceling and reappropriating money to the housing development fund for certain purposes.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.