

Engineer, Not Necessary for Unloading Boilers. Licensed Engineer, Required Only for Operating Engine. Licensed Engineer, When Not Required.

A licensed engineer is not required under the law for the purpose of unloading a boiler or steam engine, or for demonstrating the working of the same for the purpose of making sale thereof, as such class of work is not operating steam machinery under the statute.

Helena, Montana, June 8, 1910.

Hon. J. H. Dailey,
State Boiler Inspector,
Helena, Montana.

Dear Sir:—

I am in receipt of your letter of June 7th enclosing correspondence between you and certain parties in Billings relating to the necessity of having a licensed engineer to unload traction engines and to make demonstrations of the workings of such engines for the purpose of selling the same. You state that you construe the law requiring licenses of persons operating steam boilers or steam machinery as not applying to the unloading of machines or to the demonstration of the working of the same by agents who have them on exhibition for sale. In this construction of the law I think you are correct. Section 1648 provides that

“No person must be granted a license to operate steam boilers or steam machinery under the provisions of this article who has not been examined by an inspector and found competent. * * * Any person who operates any steam boiler or steam engine without first obtaining a license from the inspector or assistant inspector is guilty of misdemeanor.”

In our opinion the word “operate,” as used in this section, relates to the actual running of the boiler or steam machinery after it has been sold and put into use for the purpose for which it was purchased, but does not relate to the testing nor demonstration of the same by the agent who is offering it for sale. The manufacturers of steam machinery who ship the same into the state to sell, of necessity have experienced men to handle the same, and it does not seem to be the spirit of intention of the law that such new machinery should be handled only by licensed engineers prior to its sale and actual operation.

Section 1643, providing for the inspection of boilers, makes an exception in the case of new boilers in that they need not be inspected before they are used. Thus the law recognizes the fact that the manufacturer sending out the machinery would have it in a safe condition, and it is reasonable to suppose that the men they send along with the machinery are capable and qualified to make such tests of the same as is necessary before the sale thereof, and, therefore, there is no necessity of having a licensed engineer to make such tests.

I herewith return to you the correspondence.

Yours very truly,

ALBERT J. GALEN,
Attorney General.