

Boilers—Inspection—Fees—Cities and Towns.

The fee for inspecting a traction engine boiler within or without the limits of an incorporated city is \$10.00.

Jerome G. Locke, Esq.,
Chairman, Industrial Accident Board,
Helena, Montana.

July 27, 1926.

My dear Mr. Locke:

You have requested my opinion as to what charge should be made for inspecting a traction engine where the same is within the limits of an incorporated city.

Section 2723 R. C. M. 1921 provides:

“The inspector of boilers is authorized to charge a fee of ten dollars for the inspection of each steam boiler and its steam connections, and five dollars for each additional boiler when con-

nected. The fee for the inspection of each traction engine or boiler on wheels shall be ten dollars. The fee for the inspection of boilers in incorporated cities shall be five dollars."

It is apparent that the reason for the differences in the fee charged within and without the limits of incorporated cities is due to the fact that within the limits of incorporated cities more boilers are found in close proximity to each other than outside, and the cost of inspection is therefore less.

This is also apparent with respect to boilers outside of cities and towns where two or more boilers are attached to the same steam plant where an inspection fee of \$10.00 is charged for inspecting each steam boiler and its connections, and \$5.00 for an additional boiler when connected.

The question then arises as to what the legislature intended with respect to "traction engine or boiler on wheels." It would seem that the legislature intended to create three classes or conditions of inspections, that is, inspections of boilers outside of incorporated cities, inspections inside of incorporated cities, and inspections of traction engines or boilers on wheels.

If the only difference for a less fee for inspecting boilers inside the limits of incorporated cities is due to the fact that the cost of inspection is less where the inspector is not required to travel far from one inspection to the next, then it would only be necessary to make two classes, to-wit: boilers in incorporated cities, and boilers outside of incorporated cities. There would have been no occasion for mentioning traction engine boilers, but the legislature added a rate of \$10.00 for inspecting boilers of this kind, without regard to their location, within or without incorporated cities. This would not have been necessary had it intended the location within an incorporated city, when inspected, to govern the fee.

It is, therefore, my opinion that the legislature contemplated a \$10.00 fee for the inspection of a traction engine boiler, whether the traction engine happens to be within or without the limits of an incorporated city.

Very truly yours,

L. A. FOOT,

Attorney General.