

1 House BILL NO. 391
2 INTRODUCED BY LOCKREM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE
5 REQUIREMENTS FOR LICENSES FOR BOILER AND HOISTING ENGINEERS
6 AND AIR COMPRESSOR OPERATORS; AMENDING SECTION 69-1509,
7 R.C.M. 1947; AMENDING AND RENUMBERING SECTIONS 69-1601,
8 69-1603 AND 69-1604, R.C.M. 1947; RENUMBERING SECTIONS
9 69-1602, 69-1606, AND 69-1607, R.C.M. 1947; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE."
11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 69-1509, R.C.M. 1947, is amended to
14 read as follows:

15 "69-1509. Classification and licensing of engineers.

16 (1) Engineers entrusted with the operation, care and
17 management of steam or water boilers and steam machinery as
18 specified in the preceding section must be divided into four
19 classes, namely, first-class engineers, second-class
20 engineers, third-class engineers, and low-pressure
21 engineers.

22 (2) Licenses for the operation of steam or water
23 boilers and steam machinery shall be divided into four
24 classifications in accordance with the following:

25 (a) First-class engineers shall be licensed to operate

1 all classes, pressures, and temperatures of steam and water
2 boilers and steam driven machinery with the exception of
3 traction and hoisting engines.

4 (b) Second-class engineers shall be licensed to operate
5 steam boilers operating not in excess of two hundred fifty
6 (250) pounds per square inch gauge saturated steam pressure
7 or water boilers operating not in excess of three hundred
8 seventy-five (375) pounds per square inch gauge pressure and
9 four hundred fifty degrees Fahrenheit (450°F) temperature,
10 and steam driven machinery not to exceed one hundred (100)
11 horsepower per unit with the exception of traction and
12 hoisting engines.

13 (c) Third-class engineers shall be licensed to operate
14 steam boilers operating not in excess of one hundred (100)
15 pounds per square inch gauge saturated steam pressure or
16 water boilers operating not in excess of one hundred sixty
17 (160) pounds per square inch gauge pressure and three
18 hundred fifty degrees Fahrenheit (350°F) temperature.

19 (d) Low-pressure engineers shall be licensed to operate
20 steam boilers operating not in excess of fifteen (15) pounds
21 per square inch gauge pressure or water boilers operating
22 not in excess of fifty (50) pounds per square inch gauge
23 pressure and two hundred fifty degrees Fahrenheit (250°F)
24 temperature.

25 (3) Each applicant for an engineer's license shall meet

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1 the following minimum requirements for the class of
 2 engineer's license for which application is being made. Each
 3 applicant for any classification must be physically and
 4 mentally capable of performing the required duties for the
 5 class of engineer's license for which application is being
 6 made.

7 (a) Applicants for a low-pressure engineer's license
 8 shall ~~have no less than three (3) months' full-time~~
 9 ~~experience in the actual operation of a boiler in this~~
 10 ~~classification and~~ successfully pass a written and operation
 11 examination examinations prescribed by the board and has
 12 shall have passed his their eighteenth (18th) birthday, and
 13 is Applicants found ~~to be~~ competent to operate a boiler or
 14 boilers in this classification shall be granted a
 15 low-pressure engineer's license.

16 (b) Applicants for a third-class engineer's license
 17 shall ~~have no less than six (6) months' full-time experience~~
 18 ~~in the actual operation of a boiler in this classification,~~
 19 ~~under an engineer holding a valid third-class or higher~~
 20 ~~license and~~ successfully pass a written and operation
 21 examination examinations prescribed by the board and has
 22 shall have passed his their eighteenth (18th) birthday, and
 23 is Applicants found ~~to be~~ competent to operate a boiler or
 24 boilers in this classification shall be granted a
 25 third-class engineer's license.

1 (c) Applicants for second-class engineer's license
 2 shall ~~have:~~

3 ~~(1) No less than two (2) years' full-time experience in~~
 4 ~~the actual operation of a boiler and steam driven machinery~~
 5 ~~in this classification, under an engineer holding a valid~~
 6 ~~second-class or first-class license, and~~ successfully pass a
 7 written and operation examination examinations prescribed by
 8 the board and has shall have passed his their eighteenth
 9 (18th) birthday, and is Applicants found ~~to be~~ competent to
 10 operate a boiler or boilers and steam driven machinery in
 11 this classification shall be granted a second-class
 12 engineer's license, or

13 ~~(2) Hold a valid third-class engineer's license and~~
 14 ~~have no less than one (1) year's full-time experience in the~~
 15 ~~actual operation of a boiler and steam driven machinery in~~
 16 ~~this classification, under an engineer holding a valid~~
 17 ~~second-class or first-class license, and successfully pass a~~
 18 ~~written examination prescribed by the board and has passed~~
 19 ~~his eighteenth (18th) birthday and is found to be competent~~
 20 ~~to operate a boiler or boilers and steam driven machinery in~~
 21 ~~this classification shall be granted a second-class~~
 22 ~~engineer's license.~~

23 (d) Applicants for first-class engineer's license shall
 24 ~~have:~~

25 ~~(1) No less than three (3) years' full-time experience~~

1 in the actual operation of a boiler and steam driven
 2 machinery in this classification, under an engineer holding
 3 a valid first class license, and successfully pass a written
 4 and operation examination examinations prescribed by the
 5 board and has shall have passed his their eighteenth (18th)
 6 birthday, and is Applicants found to be competent to
 7 operate a boiler or boilers and steam driven machinery in
 8 this classification, shall be granted a first class
 9 engineer's license, or

10 (2) Hold a valid second class engineer's license and
 11 have no less than one (1) year's full time experience in the
 12 actual operation of a boiler and steam driven machinery in
 13 this classification, under an engineer holding a valid
 14 first class license, and successfully pass a written
 15 examination prescribed by the board and has passed his
 16 eighteenth (18th) birthday and is found to be competent to
 17 operate a boiler or boilers and steam driven machinery in
 18 this classification, shall be granted a first class
 19 engineer's license, or

20 (3) Hold a valid third class engineer's license and
 21 have no less than two (2) year's full time experience in the
 22 actual operation of a boiler and steam driven machinery in
 23 this classification, under an engineer holding a valid
 24 first class license, and successfully pass a written
 25 examination prescribed by the board and has passed his

1 eighteenth (18th) birthday and is found to be competent to
 2 operate a boiler or boilers and steam driven machinery in
 3 this classification, shall be granted a first class
 4 engineer's license

5 (e) Allowable exceptions or variances to the foregoing
 6 minimum requirements are as follows:

7 (1) Applicants for an engineer's license in any
 8 classification holding a valid license in that
 9 classification from another state with licensing
 10 requirements equal to or exceeding the foregoing minimum
 11 requirements for the state of Montana and who successfully
 12 pass a written examination prescribed by the board and is
 13 are found to be competent to operate a boiler or boilers and
 14 steam driven machinery in that classification shall be
 15 granted a license in that classification.

16 (2) Operating experience in a classification
 17 satisfactory to the board, accumulated in United States
 18 military services or the merchant marine service may be
 19 accepted in lieu of the operating experience required for
 20 licensing of engineers in each of the foregoing
 21 classifications

22 (3) Applicants with training in the actual operation of
 23 steam or water boilers and steam machinery who have been
 24 certified as having satisfactorily completed a prescribed
 25 training course from a recognized vocational technical

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1 training--school--or--center---or---other---board---approved
 2 institution--or--training--program-in-the-classification-for
 3 which-he-is-applying-may-at-the-discretion-of-the--board--be
 4 credited-with-a-maximum-of-six-(6)-months'-experience-toward
 5 first-,second-,or-third-class-engineer's-license.

6 ~~(4)~~ (2) None of the licenses in this section above
 7 named shall entitle the holder thereof to operate a traction
 8 engine, but all persons who are entrusted with the care and
 9 management of traction engines, or boilers on wheels, are
 10 required to pass an examination as to their competency to
 11 operate such class of machinery and to procure a license to
 12 be known as a traction license. Such traction license shall
 13 not entitle the holder thereof to operate any other class of
 14 steam machinery specified in the preceding section.
 15 Applicants for a traction engineer's license shall have--no
 16 less--than--six--(6)--months'-full-time--experience--in-the
 17 operation-of-steam-traction-engines-and successfully pass a
 18 written and operation examination examinations prescribed by
 19 the board and has shall have passed his their eighteenth
 20 (18th) birthday, and-is Applicants found to-be competent to
 21 operate a traction engine shall be granted a traction
 22 engineer's license. The--board-at-its-discretion-may-waive
 23 the-experience-requirement-for-operators-of-traction-engines
 24 which-are--maintained--and--operated--as--a--hobby--for--the
 25 restoration-and-show-purposes-of-antique-equipment."

1 Section 2. Section 69-1601, R.C.M. 1947, is renumbered
 2 69-1519, and is amended to read:

3 "~~69-1601~~ 69-1519. Operators of hoisting engines must
 4 procure licenses. (1) It shall be unlawful for any person to
 5 operate any hoisting engine driven by any power when used in
 6 lowering or hoisting personnel in excess of one hundred
 7 (100) feet in industrial operations or on construction
 8 projects,~~or--any--air--compressor--operated--by--any--power~~
 9 without first obtaining a license therefor from the board as
 10 herein provided, ~~Except~~ except that in emergencies the
 11 provisions of section 69-1517 relating to the employment of
 12 unlicensed engineers shall apply to the operation of the
 13 engines and machinery named herein.

14 (2) First-class hoisting engineers shall be licensed to
 15 operate hoisting engines driven by any power and unlimited
 16 horsepower used in the lowering or hoisting of personnel in
 17 industrial operations or on construction projects.

18 (3) Second-class hoisting engineers shall be licensed
 19 to operate hoisting engines driven by any power and not in
 20 excess of one hundred (100) brake horsepower used in the
 21 lowering or hoisting of personnel in industrial operations
 22 or on construction projects."

23 Section 3. Section 69-1602, R.C.M. 1947, is renumbered
 24 69-1520.

25 Section 4. Section 69-1603, R.C.M. 1947, is

1 renumbered 69-1521, and is amended to read as follows:

2 "~~69-1603~~ 69-1521. Scope of license--exemptions. (1) A
3 license granted under the provisions of this act shall
4 entitle the holder thereof to operate any of the machinery
5 named in section ~~69-1601~~ 69-1519, and the license shall
6 specify on its face such machinery, but no license issued
7 hereunder shall authorize or qualify the person to whom
8 issued to operate a boiler or steam engine.

9 (2) The provisions of this act shall not apply to
10 hoisting engines or elevators under federal control or to
11 operating elevators in completed private or public
12 buildings."

13 Section 5. Section 69-1604, R.C.M. 1947, is
14 renumbered 69-1522, and is amended to read as follows:

15 "~~69-1604~~ 69-1522. First and second-class licenses--
16 qualifications of applicant. (1) Each applicant for a
17 hoisting engineer's license shall meet the following minimum
18 requirements for the class of license for which application
19 is being made. Each applicant for any classification must be
20 physically and mentally capable of performing the required
21 duties for the class of license for which application is
22 being made.

23 (a) Applicants for a second-class hoisting engineer's
24 license shall ~~have no less than two years' experience in the~~
25 ~~actual--operation--of--hoisting--equipment--in--this~~

1 ~~classification--under--an--engineer--holding--a--valid~~
2 ~~second-class--or--first-class--license--and~~ successfully pass a
3 written and operation examination examinations prescribed by
4 the board and ~~has~~ shall have passed ~~his~~ their eighteenth
5 (18th) birthday, ~~and is~~ Applicants found to be competent to
6 operate hoisting equipment in this classification shall be
7 granted a second-class hoisting engineer's license.

8 (b) Applicants for a first-class hoisting engineer's
9 license shall:

10 ~~(1)--Have--no--less--than--three--years'--experience--in--the~~
11 ~~actual--operation--of--hoisting--equipment--in--this~~
12 ~~classification--under--an--engineer--holding--a--valid--first--class~~
13 ~~license--and~~ successfully pass a written and operation
14 examination examinations prescribed by the board and ~~has~~
15 shall have passed ~~his~~ their eighteenth (18th) birthday, ~~and~~
16 is Applicants found ~~to be~~ competent to operate hoisting
17 equipment in this classification shall be granted a
18 first-class hoisting engineer's license, ~~or~~

19 ~~(2)--Hold--a--valid--second--class--license--and--have--no--less~~
20 ~~than--six--(6)--months'--experience--in--the--actual--operation--of~~
21 ~~hoisting--equipment--in--this--classification--under--an--engineer~~
22 ~~holding--a--valid--first--class--license--and--successfully--pass--a~~
23 ~~written--examination--prescribed--by--the--board--and--has--passed~~
24 ~~his--eighteenth--(18th)--birthday--and--is--found--to--be--competent~~
25 ~~to--operate--hoisting--equipment--in--this--classification--shall~~

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~~be-granted-a-first-class-hoisting-engineer's-license~~

(c) Applicants for a first or second-class hoisting engineer's license holding a valid license in that classification from another state with licensing requirements equal to or exceeding the foregoing minimum requirements for the state of Montana and who successfully pass a written examination prescribed by the board and ~~is~~ are found to be competent to operate hoisting machinery in that classification shall be granted a license in that classification.

~~(d)--Applicants--for--first--or--second--class--hoisting engineer's--license--holding--a--valid--first--or--second--class engineer's--license--for--the--operation--of--boilers,--steam machinery--and--hoisting--engines--for--the--state--of--Montana prior--to--enactment--of--this--act--shall,--upon--application during--a--period--not--to--exceed--twelve--(12)--months--after enactment--of--this--act,--be--granted--a--hoisting--engineer's license--in--that--classification."~~

Section 6. Section 69-1606, R.C.M. 1947, is renumbered 69-1523.

Section 7. Section 69-1607, R.C.M. 1947, is renumbered 69-1524.

Section 8. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the

effective date of this act.

Section 9. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 10. Effective date. This act is effective on its passage and approval.

-End-