

1 *House* BILL NO. *408*
 2 INTRODUCED BY *Johnson Broad*
 3 *Kemmis Lester Shuman*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
 5 69-1501 THROUGH 69-1505 AND 69-1507, 69-1508, 69-1510
 6 THROUGH 69-1517, R.C.M. 1947, RELATING TO INSPECTION AND
 7 OPERATION OF STEAM BOILERS AND STEAM MACHINERY; THE
 8 LICENSING OF ENGINEERS FOR STEAM BOILERS AND STEAM
 9 MACHINERY; AND REPEALING SECTIONS 69-1506, 69-1509, 69-1701,
 10 69-1702, AND 69-1703, R.C.M. 1947."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 69-1501, R.C.M. 1947, is amended to
 14 read as follows:

15 "69-1501. ~~Advisory committee functions~~ appointment
 16 ~~and terms of members traveling expenses rules and~~
 17 ~~regulations state~~ State boiler inspectors ~~of boilers,~~
 18 ~~appointment, term and compensation~~ special boiler
 19 inspectors. (1) ~~There is hereby created to advise the~~
 20 ~~industrial accident board an advisory committee which shall~~
 21 ~~hereafter be referred to as the committee, consisting of~~
 22 ~~three (3) members who shall be appointed by the governor,~~
 23 ~~one for two (2) years, one for three (3) years and one for~~
 24 ~~four (4) years. At the expiration of their respective terms~~
 25 ~~or when vacancies occur they or their successors identified~~

1 ~~with the same interest respectively shall be appointed by~~
 2 ~~the governor for terms of four (4) years each. Of these~~
 3 ~~appointed members one (1) shall be a Montana first class~~
 4 ~~steam licensed operating engineer of boilers employed in~~
 5 ~~that capacity at the time of his appointment, one (1) shall~~
 6 ~~be commissioned by the national board of boilers and~~
 7 ~~pressure vessels inspectors and shall represent the boiler~~
 8 ~~insurance companies licensed to do business in the state,~~
 9 ~~and one (1) shall be a Montana registered professional~~
 10 ~~mechanical engineer. The committee shall elect one (1) of~~
 11 ~~its members as chairman and shall meet whenever required.~~

12 The members of the committee shall serve without salary
 13 but shall receive actual travel expenses in the same manner
 14 as other state officers:

15 The committee shall act in a technical advisory
 16 capacity to the industrial accident board and shall
 17 formulate definitions, rules and regulations for the safe
 18 construction, installation, operation, inspection and repair
 19 of equipment covered by this act. The definitions, rules and
 20 regulations so formulated shall follow generally accepted
 21 nationwide engineering standards as published by the
 22 American society of mechanical engineers:

23 (2) Appointment, term and compensation of boiler
 24 inspectors. The industrial accident board shall appoint
 25 state inspectors of boilers and shall prescribe their

1 ~~duties, term of office and fix their compensation.~~

2 In addition to the employing state boiler inspectors
3 the ~~industrial--accident--board~~ division of workmen's
4 compensation shall issue to the inspectors of boiler
5 insurance companies authorized to do business in the state,
6 commissions, certificates, or other recognition as special
7 boiler inspectors and ~~shall~~ may accept the inspection
8 reports of ~~such~~ these special inspectors as equivalent to
9 those of the state inspectors, ~~provided that each such~~ Each
10 special inspector shall hold a certificate as boiler
11 inspector issued by the national board of boiler and
12 pressure vessels inspectors. ~~Such~~ These special inspectors
13 shall receive no salary or expenses from the state nor shall
14 the state collect inspection fees for inspections made by
15 ~~such~~ these special inspectors."

16 Section 2. Section 69-1502, R.C.M. 1947, is amended to
17 read as follows:

18 "69-1502. Qualifications of state boiler inspectors.
19 ~~No~~ A person is not eligible to ~~hold the office of inspector~~
20 ~~of boilers and steam engines who has not had~~ be a state
21 boiler inspector unless he has held for at least ten years
22 ~~of actual experience in the operation of steam engines,~~
23 ~~steam boilers, and steam machinery, and who has not held for~~
24 ~~at least three (3) years immediately preceding his~~
25 ~~appointment a first class stationary engineer's license of~~

1 ~~the state of Montana, or who is~~ three (3) years a valid
2 first class engineer's license. A state inspector may not
3 be either directly or indirectly financially interested in
4 the manufacture or sale of boilers or steam machinery, or
5 any patented article ~~required to be sold~~ relating thereto."

6 Section 3. Section 69-1503, R.C.M. 1947, is amended to
7 read as follows:

8 "69-1503. Inspection of boilers--boiler installations.
9 (1) ~~The~~ A state boiler inspector ~~of boilers must~~ shall
10 inspect all boilers and steam generators before ~~the same~~
11 they are used, and all persons who bring into this state,
12 for operation in this state, any boiler ~~or boilers must~~
13 shall notify the ~~board~~ division stating the number and kind
14 of boilers, and where they are to be located and operated in
15 this state, and must secure from the ~~board a~~ division an
16 inspection certificate ~~of inspection or an operating~~
17 certificate before ~~said boilers are~~ the boiler is placed in
18 operation, ~~except in the case of new boilers, which must be~~
19 ~~inspected within ninety (90) days after they are put in use,~~
20 ~~and all~~ All boilers must shall be inspected at least once in
21 every year, except boilers exempt under ~~provisions of~~
22 section 69-1515. Upon written application, longer inspection
23 intervals may be authorized by the ~~board~~ division. Any
24 owner, operator or user who opens a boiler ~~or boilers~~
25 between inspections for ~~repair or other reasons must~~ major

1 repairs shall notify the board division of such that action
 2 and such the boiler or boilers shall at--the--discretion--of
 3 the--board be inspected by the state boiler inspector or
 4 special boiler inspector before the boiler or--boilers--may--be
 5 is placed back in operation. Any--person--failing--to--give
 6 notice--to--the--board--as--herein--provided--or--who--operates--such
 7 boilers--without--a--certificate--from--the--board--shall--be
 8 punished--by--a--fine--of--not--less--than--one--hundred--dollars
 9 (\$100)--nor--more--than--five--hundred--dollars--(\$500)--for--each
 10 offense--or--by--imprisonment--in--the--county--jail--for--not--less
 11 than--thirty--(30)--nor--more--than--ninety--(90)--days--or--by--both
 12 such--fine--and--imprisonment.

13 (2) When necessary, the state boiler inspector or
 14 special boiler inspector shall subject boilers a boiler,
 15 except those exempted by section 69-1515, to hydrostatic
 16 pressure, which hydrostatic pressure shall not exceed one
 17 hundred fifty per cent (150%) of the steam pressure maximum
 18 allowable working pressure allowed on the boilers, boiler.
 19 providing--there--are--no--such--leaks--on--such--boilers--which
 20 prevent--the--inspector--from--applying--such--hydrostatic
 21 pressure--And--the--inspector--must--satisfy--himself--by--a
 22 thorough--interior--and--exterior--examination--that--the--boilers
 23 are--well--made--and--of--good--and--suitable--material--that--the
 24 openings--for--the--passage--of--water--and--steam--respectively--
 25 and--all--pipes--and--tubes--exposed--to--heat--are--of--the--proper

1 dimensions--and--free--from--obstructions--that--the--flues--are
 2 circular--in--shape--that--the--fire--line--of--the--furnace--is--at
 3 least--two--(2)--inches--below--prescribed--minimum--water--line--of
 4 the--boilers--that--the--arrangements--for--delivering--the--feed
 5 water--are--such--that--the--boilers--cannot--be--injured--thereby--
 6 and--that--such--boilers--and--the--steam--connections--may--be
 7 safely--employed--without--danger--to--life.

8 (3) New--boiler--installations--No A boiler which does
 9 not conform to the rules and regulations--formulated adopted
 10 by the committee division governing new construction and
 11 installation shall not be installed and operated in this
 12 state after--twelve--(12)--months--from--the--date--upon--which--the
 13 first--rules--and--regulations--under--this--act--pertaining--to--new
 14 construction--and--installation--shall--have--become--effective--
 15 unless the boiler is of special design or construction, and
 16 therefore is not covered by the these rules and regulations--
 17 nor--is--in--any--way--inconsistent--with--such--rules--and
 18 regulations, in which case a special installation and
 19 operating permit may at--its--discretion be granted by the
 20 committee division."

21 Section 4. Section 69-1504, R.C.M. 1947, is amended to
 22 read as follows:

23 "69-1504. Inspection of boilers--further requirements
 24 in making inspection. (1) The state boiler inspector or
 25 special boiler inspector must--also--satisfy--himself shall be

1 satisfied that: (a) the safety valves are of suitable
 2 relieving capacity ratings, sufficient in number and area,
 3 and properly arranged, and ~~that--the--safety-valves--are~~
 4 properly adjusted so as to allow no greater pressure in the
 5 boilers than the amount prescribed by the inspection or
 6 operating certificate; (b) ~~that~~ there are a sufficient
 7 number of gauge gage cocks and water gage glasses properly
 8 inserted to indicate the amount of water, and suitable
 9 gauges gages that will correctly record indicate the
 10 operating pressure ~~of steam~~; and (c) adequate and certain
 11 there are adequate provisions for an ample supply of water
 12 to feed the ~~boilers~~ boiler at all times; and (d) that
 13 suitable means for blowing out down are provided, so-as in
 14 order to thoroughly remove mud and sediment from all parts
 15 of the ~~boilers~~ boiler when--they--are--under--pressure. of
 16 ~~steam--and--any--rentery--user--or--owner--of--a--boiler--or--any~~
 17 ~~person--or--persons--who--tamper--with--the--safety--valve--to--allow~~
 18 ~~the--boiler--to--carry--greater--pressure--than--is--allowed--by--the~~
 19 ~~inspection--certificate--shall--be--deemed--guilty--of--a~~
 20 ~~misdemeanor.~~

21 (2) Safety factors are as follows: (a) Where a boiler
 22 is constructed with lap horizontal seams on the ~~boiler~~,
 23 dome, or drum, a factor of safety of four and one-half (4
 24 1/2) shall be used in determining the safe working pressure
 25 allowed on such the boiler. ~~But--where~~ (b) Where the ~~boilers~~

1 are boiler is constructed with butt-strap horizontal seams,
 2 a factor of safety of four and one half (4 1/2) may be used
 3 in determining such the safe working pressure. (c) If the
 4 boiler rests on side ~~wall~~ walls on lugs, or is hung by
 5 I-beams, or is in any way set up so that the weight of the
 6 boiler is pulling against the horizontal seam of rivets, a
 7 factor of safety of five (5) must shall be used to determine
 8 the safe working pressure allowed on the boiler. (d) Where
 9 the horizontal lap seams of the boiler are exposed to the
 10 fire, a factor of safety of five (5) must shall be used to
 11 determine the safe working pressure to be allowed on such
 12 the boiler. (e) On stay bolts, if new, a pressure of seven
 13 thousand five hundred pounds pressure per square inch (7,500
 14 psi) shall be allowed. ~~if--such--stay--bolts--are--corroded--or~~
 15 ~~defective--the--inspector--must--determine--the--pressure--to--be~~
 16 ~~allowed--on--same~~ (f) On braces made of solid material, a
 17 pressure of eight thousand pounds pressure per square inch
 18 (8,000 psi) shall be allowed. (g) On welded braces or braces
 19 with only one (1) crow-foot, a pressure of six thousand
 20 pounds pressure per square inch (6,000 psi) shall be
 21 allowed.

22 (3) No-cast Cast iron ~~shall~~ may not be used in the
 23 construction or reinforcements of any boiler where the
 24 pressure allowed on ~~said~~ the boiler is more than one hundred
 25 sixty pounds per square inch (160 psi)."

1 Section 5. Section 69-1505, R.C.M. 1947, is amended to
2 read as follows:

3 "69-1505. Inspection of boilers--material to be used.
4 ~~No boiler or steam pipe, nor any of the connections thereto,~~
5 ~~shall be approved which is made in whole or in part of bad~~
6 ~~material, or is unsafe from any cause. Nothing herein shall~~
7 ~~be construed to prevent the use of any boiler or steam~~
8 ~~generator which may not be constructed of riveted iron or~~
9 ~~steel plates, when the inspector has satisfactory evidence~~
10 ~~that such boiler or steam generator is equal in strength to~~
11 ~~and as safe from explosion as boilers of the best quality,~~
12 ~~constructed of iron or steel plates. All materials to be~~
13 used in the construction of boilers shall be in compliance
14 with the applicable sections of the ASME code."

15 Section 6. Section 69-1507, R.C.M. 1947, is amended to
16 read as follows:

17 "69-1507. Duty of owner to permit inspection--board
18 division action--costs and expenses. ~~It is the duty of the~~
19 ~~owners, engineers, or managers~~ An owner, operator, or user
20 of a steam or water boilers boiler to shall allow the
21 inspector division free access to the ~~same boiler at~~
22 reasonable times. In case the owner, operators, or manager
23 ~~of any boiler is notified by the inspector to have said~~
24 ~~boiler ready for inspection on a certain day and fails to~~
25 ~~have such boiler ready for inspection at such time, the~~

1 ~~inspector shall notify the board to gain access to said~~
2 ~~boiler. Any person failing to immediately comply with board~~
3 ~~directed access to said boiler shall be deemed guilty of a~~
4 ~~misdemeanor, and upon conviction thereof shall be punished~~
5 ~~by a fine of not less than one hundred dollars nor more than~~
6 ~~five hundred dollars, or by imprisonment in the county jail~~
7 ~~for not less than two months nor more than six months, or by~~
8 ~~both such fine and imprisonment. The owner, engineer or~~
9 ~~manager operator, or user of any a boiler who has refused~~
10 the division access resulting in a board order must shall
11 pay all transportation and hotel expenses of the division
12 inspector who makes the inspection directed by such order,
13 in addition to the inspection fee provided by law. It shall
14 be the duty of the The engineer operating any a boiler or
15 boilers to shall assist the inspectors division in their
16 ~~examination of the same the inspection,~~ and point out any
17 defects known to him, ~~in the boilers or machinery under his~~
18 ~~charge. Any engineer not complying with this section shall~~
19 ~~have his license revoked or suspended. The division shall~~
20 notify the owner, operator, or user of any defects found and
21 shall recommend repairs necessary to render the boiler
22 safe."

23 Section 7. Section 69-1508, R.C.M. 1947, is amended to
24 read as follows:

25 "69-1508. Licenses required--penalty--for--operating

1 ~~without-license~~ penalties for violation of this act. (1) No
 2 person shall ~~be-granted~~ receive a license ~~to-operate-steam~~
 3 ~~or-water-boilers-and-steam-machinery~~ under the-provisions-of
 4 this ~~article~~ act, who has not met the qualifications for
 5 licensing and found to be competent by examination, to
 6 ~~perform-the-duties-of-an-engineer, and-receive-a-license-so~~
 7 ~~to-act.~~ Any person who operates any boiler or steam engine
 8 ~~without-first-obtaining-a-license-is-guilty-of-a~~
 9 ~~misdemeanor, and-upon-conviction-shall-be-punished-by-a-fine~~
 10 ~~of-not-less-than-fifty-dollars-not-more-than-one-hundred~~
 11 ~~dollars, or-by-imprisonment-in-the-county-jail-for-not-more~~
 12 ~~than-sixty-days, or-by-both-such-fine-and-imprisonment.~~

13 (2) Civil and criminal penalties for violation of this
 14 act are as follows:

15 (a) A person who willfully or repeatedly violates the
 16 requirements of this act, or regulations prescribed under
 17 this act, may be assessed a civil penalty of not more than
 18 ten thousand dollars (\$10,000) for each violation.

19 (b) A person who violates this act, or rule
 20 promulgated under this act, shall be assessed a civil
 21 penalty of up to one thousand dollars (\$1,000) for each
 22 violation.

23 (c) A person who willfully violates any standard,
 24 rule, or order promulgated under this act, and that
 25 violation causes death to any person, shall, upon

1 conviction, be punished by a fine of not more than ten
 2 thousand dollars (\$10,000) or by imprisonment for not more
 3 than six (6) months, or by both; except that if the
 4 conviction is for a violation committed after a first
 5 conviction of such person, punishment shall be by a fine of
 6 not more than twenty thousand dollars (\$20,000) or by
 7 imprisonment for not more than one (1) year, or by both.

8 (d) A person who gives advance notice of any
 9 inspection to be conducted under this chapter, without
 10 authority from the division, shall, upon conviction, be
 11 punished by a fine of not more than one thousand dollars
 12 (\$1,000) or by imprisonment for not more than six (6)
 13 months, or by both.

14 (e) A person who knowingly makes any false statement,
 15 representation, or certification in any application, record,
 16 report, plan, or other document filed or required to be
 17 maintained under this act shall, upon conviction, be
 18 punished by a fine of not more than ten thousand dollars
 19 (\$10,000) or by imprisonment for not more than six (6)
 20 months, or by both.

21 (f) The division has authority to assess all civil
 22 penalties provided in this section, giving due consideration
 23 to the appropriateness of the penalty with respect to the
 24 economic condition of the person charged, the gravity of the
 25 violation, the good faith of the person, and the history of

1 previous violations.

2 (g) The Montana Administrative Procedure Act applies
3 to actions of the division in carrying out this act and to
4 appeals from those actions."

5 Section 8. There is a new R.C.M. section that reads as
6 follows:

7 Classification, licensing, and qualifications of
8 engineers. (1) Engineers entrusted with the operation,
9 care, and management of steam or water boilers, steam driven
10 machinery, and air compressors shall be divided into the
11 following classes and licensed accordingly:

12 (a) First-class engineers shall be licensed to operate
13 all classes, pressures, and temperatures of steam and water
14 boilers, and steam driven machinery.

15 (b) Applicants for a first-class engineer's license
16 shall have no less than three (3) years' experience under an
17 engineer holding a valid first-class engineer's license.

18 (c) Second-class engineers shall be licensed to
19 operate all classes, pressures, and temperatures of steam
20 boilers and steam driven machinery not to exceed two hundred
21 fifty pounds per square inch (250 psi) or water boilers not
22 in excess of three hundred seventy-five pounds per square
23 inch (375 psi).

24 (d) Applicants for a second-class engineer's license
25 shall have no less than two (2) years' experience under an

1 engineer holding a valid first-class or second-class
2 engineer's license.

3 (e) Third-class engineers shall be licensed to operate
4 steam boilers and steam driven machinery operating not in
5 excess of one hundred pounds per square inch (100 psi) or
6 water boilers operating not in excess of one hundred sixty
7 pounds per square inch (160 psi).

8 (f) Applicants for a third-class engineer's license
9 shall have no less than one (1) year's experience under an
10 engineer holding a valid first, second, or third-class
11 engineer's license.

12 (g) Low pressure engineers shall be licensed to
13 operate steam boilers not in excess of fifteen pounds per
14 square inch (15 psi) or water boilers not in excess of fifty
15 pounds per square inch (50 psi).

16 (h) Applicants for a low pressure engineer's license
17 shall have no less than three (3) months' experience
18 operating boilers and successfully pass a written and oral
19 examination.

20 (2) Each licensed engineer who has not worked at a job
21 requiring a license for a period of five (5) years shall be
22 re-examined during the anniversary month of his license.

23 Section 9. There is a new R.C.M. section that reads as
24 follows:

25 Variances and exceptions for licensing--traction

1 licenses. Allowable exceptions or variances to minimum
2 requirements of section 8 [of this act] are as follows:

3 (1) Applicants for an engineer's license in any
4 classification holding a valid license in that
5 classification from another state where the licensing
6 requirements are equal to or exceeding the minimum
7 requirements of this state and who successfully pass a
8 written examination prescribed by the division shall be
9 granted a license in that classification.

10 (2) Operating experience in a classification
11 satisfactory to the division, accumulated in the United
12 States military services may be accepted instead of the
13 operating experience required for the licensing of engineers
14 in each of the classifications.

15 (3) Applicants with training in the actual operation
16 of steam or water boilers and steam driven machinery who
17 have been certified as having satisfactorily completed a
18 prescribed training course from a recognized
19 vocational-technical training school or center or other
20 division-approved institution or training program in the
21 classification for which they are applying may at the
22 discretion of the division be credited with a maximum of six
23 (6) months' experience toward a first, second, or
24 third-class engineer's license.

25 (4) The licenses named in section 8 [of this act] do

1 not entitle the holder thereof to operate a traction engine.
2 A person who is entrusted with the care and management of a
3 traction engine, or boiler on wheels, is required to pass an
4 examination as to his competency to operate that machinery
5 and to procure a license to be known as a traction license.
6 A traction license does not entitle the holder thereof to
7 operate any other class of steam machinery specified in
8 section 8 [of this act]. Applicants for a traction
9 engineer's license shall:

10 (a) have no less than six (6) months' full-time
11 experience in the operation of steam traction engines;

12 (b) successfully pass a written examination prescribed
13 by the division;

14 (c) be eighteen (18) years of age or older.

15 The division may waive the experience requirement for
16 operators of traction engines that are maintained and
17 operated as a hobby for restoration and show purposes of
18 antique equipment.

19 Section 10. There is a new R.C.M. section that reads
20 as follows:

21 Steam driven machinery--licensing. (1) First-class
22 steam driven machinery engineers shall be licensed to
23 operate all classes of steam driven machinery.

24 (2) Applicants for a first-class steam driven
25 machinery engineer's license shall have no less than one (1)

1 year's experience under an engineer holding a valid
2 first-class engineer or first-class steam driven machinery
3 license.

4 Section 11. Section 69-1510, R.C.M. 1947, is amended
5 to read as follows:

6 "69-1510. Complaints and suspension or revocation of
7 license. Whenever a complaint is made against an engineer
8 holding a license that he, through negligence, want of
9 skill, or inattention to duty, permitted ~~his boiler(s)~~ a
10 boiler, steam driven machinery, or air compressor under his
11 control to burn or otherwise become in bad condition become
12 unsafe, or that he has been found intoxicated or under the
13 influence of drugs while on duty, it is the duty of the
14 board to division shall make a thorough investigation of
15 the charge, and upon satisfactory proof of such charge to
16 revoke the license of said engineer. If the division finds
17 that the person has allowed a boiler, steam driven
18 machinery, or air compressor under his control to become
19 unsafe, the division may, after giving the person notice and
20 an opportunity for hearing, revoke or suspend his license."

21 Section 12. Section 69-1511, R.C.M. 1947, is amended
22 to read as follows:

23 "69-1511. Certificate of inspection ~~wrongfully~~
24 ~~issuing certificate of inspection or licenses as misdemeanor~~
25 display. In making an inspection of the boilers and

1 ~~machinery herein provided for, the inspectors may act~~
2 ~~jointly or separately, but the inspector or assistant~~
3 ~~inspector making such inspection must in all cases certify~~
4 ~~the same under the seal of the inspector of boilers and~~
5 ~~safety. Any inspector or assistant inspector who willfully~~
6 ~~certifies regarding any boilers or their attachments, or~~
7 ~~grants a license to any person to act as engineer contrary~~
8 ~~to the provisions of this article, is guilty of a~~
9 ~~misdemeanor.~~ All certificates of inspection, operating
10 certificates, and engineer's licenses shall must be
11 displayed in a conspicuous place in the boiler room."

12 Section 13. Section 69-1512, R.C.M. 1947, is amended
13 to read as follows:

14 "69-1512. Fees for inspection or examination. (1) All
15 fees for inspection are to be paid to the ~~industrial~~
16 ~~accident board~~ division in accordance with the following
17 schedule based on safety valve setting:

18 (a) Boilers with pressure under thirty (30) pounds per
19 square inch (psi) and under \$10

20 (b) Boilers with pressure from over thirty (30) pounds
21 (psi) to and including one hundred (100) pounds per square
22 inch (psi) \$15

23 (c) Boilers with pressure from over one hundred (100)
24 pounds (psi) to and including three hundred (300) pounds
25 per square inch (psi) \$20

1	(d) Boilers with pressure over three hundred (300)	
2	pounds-per-square-inch (psi)	\$30
3	(e) Miniature boilers with-pressure-not--in--excess--of	
4	one-hundred-(100)-pounds-per-square-inch	\$10
5	(f) Steam traction <u>engines</u>	\$ 5
6	(g) Operating certificate	\$ 4

7 In case of the failure of the owner, ~~manager-or-person~~
 8 operator, or user in charge of any boiler to pay ~~such~~ the
 9 fee to the ~~industrial--accident-board~~ division, the ~~board~~
 10 division shall initiate the necessary legal action to
 11 collect ~~said~~ the fee. ~~Failure-of-any~~ If a person fails to
 12 immediately abide with the results of ~~such--board~~ the
 13 division action he shall be deemed guilty of a violation of
 14 this act ~~misdemeanor~~ and punished ~~as--provided--by~~ under
 15 section 69-1507 69-1508.

16 ~~(2)--Whenever, upon request of the owner or operator of~~
 17 ~~any boiler it is necessary for the inspector to make a~~
 18 ~~special trip for the inspection of the boiler, the mileage~~
 19 ~~and per diem allowed by law, in addition to the fees herein~~
 20 ~~prescribed, shall be charged and collected by the industrial~~
 21 ~~accident board.~~

22 ~~(3)~~ (2) Applicants for an engineer's license shall pay
 23 fees according to the class of license for which application
 24 is made, as specified in the following schedule:

25	(a) First class	\$30
----	-----------------	------

1	(b) Second class	\$20
2	(c) Third class	\$12
3	(d) Low pressure	\$ 8
4	(e) Traction	\$12
5	(f) Renewal of license	\$ 4
6	(g) Replacement of lost certificate <u>license</u>	\$ 2
7	<u>(h) First-class steam driven machinery</u>	\$15

8 ~~(4)~~ (3) Each application shall be accompanied by a
 9 payment equal to fifty per cent (50%) of the license fee for
 10 which application is being made, ~~said~~ The payment shall be
 11 forfeited in the event the applicant fails to appear for the
 12 examination at the scheduled time or fails to pass the
 13 examination.

14 In case of the failure of any applicant to ~~successfully~~
 15 pass an examination, ~~forty-five-(45)~~ thirty (30) days ~~must~~
 16 shall elapse before he can again be examined for the
 17 license.

18 (4) All certificates of inspection, operating
 19 certificates, and engineer licenses shall be displayed in a
 20 conspicuous place in the boiler room."

21 Section 14. Section 69-1513, R.C.M. 1947, is amended
 22 to read as follows:

23 "69-1513. Review of license rejection. If any person
 24 who has applied for a license under ~~the provisions of~~ this
 25 ~~article~~ chapter, and has been rejected, feels aggrieved, he

1 may at any time after ~~the lapse of~~ ten (10) days, and within
 2 forty-five (45) days after the date of his rejection, in
 3 writing set forth the causes of his grievance and request a
 4 board division review. ~~Such~~ The request ~~must~~ shall be
 5 addressed to the board division and shall be signed by the
 6 rejected applicant. Within ~~two~~ ten (10) days after receiving
 7 ~~such~~ the request, ~~it is the duty of the board to~~ division
 8 shall notify the applicant in writing that on a certain day,
 9 which shall not be less than ~~five~~ twenty (20) nor more than
 10 ~~thirty--(30)~~ forty-five (45) days after the date the board
 11 division receives ~~said~~ the written request, the committee
 12 division shall review and evaluate the application. The
 13 applicant may appear in person ~~at--said--review--if--he--so~~
 14 ~~desires~~. At least ~~two~~ ten (10) days before the day set for
 15 the review the applicant ~~may~~ shall designate in writing to
 16 the board division the name of an engineer holding a valid
 17 license of equal or higher grade ~~with~~ than the one applied
 18 for, and ~~such~~ the engineer may present himself in behalf of
 19 the applicant upon the day and at the hour fixed for the
 20 review."

21 Section 15. Section 69-1514, R.C.M. 1947, is amended
 22 to read as follows:

23 "69-1514. Board Division decision. ~~After--said~~ If after
 24 the review is completed, ~~and if a majority of the committee~~
 25 the division decides that ~~such~~ the applicant is entitled to

1 the license he has applied for, the board division shall
 2 without delay issue a license accordingly, ~~but--if--a~~
 3 ~~majority of the committee~~ However, if the division rejects
 4 the applicant, it is a final rejection, and ~~he must~~ the
 5 division shall not be granted grant another examination ~~for~~
 6 ~~the space of forty-five--(45)~~ within thirty (30) days after
 7 ~~such~~ the last rejection, when ~~he~~ the applicant may again
 8 apply as provided by section 69-1512."

9 Section 16. Section 69-1515, R.C.M. 1947, is amended
 10 to read as follows:

11 "69-1515. Boilers exempted from provisions--duty of
 12 owner of traction engine--notice of purchase of boiler. (1)
 13 This act ~~shall~~ does not apply to boilers under federal
 14 control, except the division shall, if requested, perform
 15 courtesy inspections of such boilers. The provisions of
 16 this act requiring inspections, inspection fees, and
 17 certificates ~~shall~~ do not apply to ~~steam-heating~~ boilers
 18 ~~operated at not over fifteen--(15)--pounds--per--square--inch~~
 19 ~~gauge--pressure--in--private--residences--or--apartments--of--six~~
 20 ~~(6)--or--less--families--or--to--hot--water--heating--or--supply~~
 21 ~~boilers--operated--at--not--over--fifty--(50)--pounds--per--square~~
 22 ~~inch--gauge--pressure--and--temperatures--not--over--two--hundred~~
 23 ~~fifty--degrees--Fahrenheit--(250--F)--when~~ located in private
 24 residences, ~~or--apartments--of--six--(6)--or--less--families.~~ The
 25 provisions of this act requiring licensed operators do not

1 apply to any hot water boiler of seven hundred fifty
 2 thousand (750,000) BTU input or less. locomotives, commonly
 3 ~~known as dinky engines, used in operating logging or mining~~
 4 ~~railroads, or any similar work where such locomotives are~~
 5 ~~owned, leased or operated by any individual, company, or~~
 6 ~~corporation and are used in the business of such individual,~~
 7 ~~company, or corporation, and not for general commercial~~
 8 ~~purposes, shall be classed as traction engines and be~~
 9 ~~subject to inspection as are other traction engines, and the~~
 10 ~~persons operating or firing such dinky locomotives shall be~~
 11 ~~required to hold traction licenses. No persons~~ A person
 12 operating any of the an engines engine or boilers boiler
 13 hereinbefore exempted exempt from the--operation-of this
 14 article chapter shall-be is not required to procure a
 15 license from the board division.

16 (2) Any A person purchasing any a boiler, whether
 17 traction or stationary, shall-be is entitled to receive from
 18 the seller the certificates of inspection issued on such the
 19 boiler, and any person purchasing any a boiler, whether
 20 traction or stationary, not exempted by ~~the provisions of~~
 21 this section, shall, within ten (10) days after such
 22 purchase, report the fact of such the purchase to the board
 23 division and shall notify the board division as to where
 24 said the boiler will be installed and operated. ~~Any person~~
 25 ~~falling to comply with the provisions of this section shall~~

1 ~~be deemed guilty of a misdemeanor.~~ All other boilers and
 2 steam engines, except as herein exempted, come under the
 3 provisions of this ~~article~~ act and persons operating same
 4 are required to hold the proper grade class of license."

5 Section 17. Section 69-1516, R.C.M. 1947, is amended
 6 to read as follows:

7 "69-1516. ~~Certificates must~~ Licenses shall be renewed
 8 yearly--failure to renew. All ~~certificates of license to~~
 9 ~~engineers of all~~ classes of engineer's licenses shall be
 10 renewed yearly, except as herein provided. ~~Any An~~ An engineer
 11 failing to renew his license as herein provided, or within
 12 at least thirty (30) days after the date of expiration shall
 13 be assessed the fee for the original license of the same
 14 grade class, before the license ~~will~~ may be reissued. Any
 15 engineer failing to renew his license within twelve (12)
 16 months of the date of expiration, ~~must shall~~ shall reapply for an
 17 engineer's license as required by ~~the provisions of~~ section
 18 ~~69-1500~~ [8 of this act]; ~~provided,--however,--that~~ however,
 19 any engineer whose license expired while ~~such the~~ the engineer
 20 was in the United States military ~~or naval~~ service ~~of--the~~
 21 ~~United--States--shall have~~ has ninety (90) days from the time
 22 ~~such the~~ the engineer is discharged from ~~such~~ military or naval
 23 service within which to renew his license ~~at the renewal~~
 24 fee."

25 Section 18. Section 69-1517, R.C.M. 1947, is amended

1 to read as follows:

2 "69-1517. Operation of ~~boiler--or~~ boilers and steam
3 engine driven machinery without license. It is unlawful for
4 any a person in this state to operate a stationary boiler,
5 or steam engine driven machinery, or-any-boiler-or-steam
6 engine other than engines-and-boilers those exempted by--the
7 provisions--of--section under section 69-1515, without a
8 license granted under the-provisions-of--this--article this
9 act. The owner, renter operator, or user of any engine-or
10 boiler or steam driven machinery is equally liable for the
11 violation of this section. But in case of accident,
12 sickness, or any unforeseen work prevention of by the
13 licensed engineer employed by any owner, renter operator, or
14 user of-an-engine-or-boiler, the owner, renter operator, or
15 user may, for fifteen (15) days, employ any person of the
16 age of eighteen (18) years or over-whom older who he may
17 consider considers competent to run the engine-or boiler, or
18 steam driven machinery although such the person so employed
19 may is not be the holder of an engineer's license, he The
20 person employed shall have reasonable qualifications
21 acceptable to the board division. The person so employing
22 the unlicensed engineer operator shall immediately notify
23 the board division of this action. But-ne An owner, renter
24 operator, or user of boilers or steam machinery driven
25 machinery shall not shall-be-allowed-to-so employ unlicensed

1 engineers operators for more than fifteen (15) days in any
2 one (1) calendar year. And-it--shall--be It is unlawful,
3 except as stated in this section, for any a person, firm, or
4 corporation to employ any a person not duly licensed as an
5 engineer, within the meaning of this act, to run or operate
6 any of the boilers or engines steam driven machinery subject
7 to the provisions of this act."

8 Section 19. Grandfather clause. A person holding a
9 valid license may renew it without meeting the requirements
10 of this act. All applicants for new licenses or lapsed
11 licenses shall comply with the provisions of this act.

12 Section 20. Sections 69-1506, 69-1509, 69-1701,
13 69-1702, and 69-1703, R.C.M. 1947, are repealed.

-End-

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 408

INTRODUCED BY JOHNSON, BRAND, KEMMIS,

LESTER, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
69-1501 THROUGH 69-1505 AND 69-1507, 69-1508, 69-1510
THROUGH 69-1517, R.C.M. 1947, RELATING TO INSPECTION AND
OPERATION OF STEAM BOILERS AND STEAM MACHINERY; THE
LICENSING OF ENGINEERS FOR STEAM BOILERS AND STEAM
MACHINERY; AND REPEALING SECTIONS 69-1506, 69-1509, 69-1701,
69-1702, AND 69-1703, R.C.M. 1947."

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

Section 1. Section 69-1501, R.C.M. 1947, is amended to
read as follows:

~~"69-1501. Advisory committee functions appointment
and terms of members traveling expenses rules and
regulations state State boiler inspectors of boilers,
appointment, term and compensation special boiler
inspectors. (1) There is hereby created to advise the
industrial accident board an advisory committee which shall
hereafter be referred to as the committee, consisting of
three (3) members who shall be appointed by the governor,
one for two (2) years, one for three (3) years and one for
four (4) years. At the expiration of their respective terms~~

~~or when vacancies occur they or their successors identified
with the same interest respectively shall be appointed by
the governor for terms of four (4) years each. Of these
appointed members one (1) shall be a Montana first class
steam licensed operating engineer of boilers employed in
that capacity at the time of his appointment, one (1) shall
be commissioned by the national board of boilers and
pressure vessels inspectors and shall represent the boiler
insurance companies licensed to do business in the state,
and one (1) shall be a Montana registered professional
mechanical engineer. The committee shall elect one (1) of
its members as chairman and shall meet whenever required.~~

~~The members of the committee shall serve without salary
but shall receive actual travel expenses in the same manner
as other state officers.~~

~~The committee shall act in a technical advisory
capacity to the industrial accident board and shall
formulate definitions, rules and regulations for the safe
construction, installation, operation, inspection and repair
of equipment covered by this act. The definitions, rules and
regulations so formulated shall follow generally accepted
nationwide engineering standards as published by the
American society of mechanical engineers.~~

~~(2) Appointment, term and compensation of boiler
inspectors. The industrial accident board shall appoint~~

1 ~~state inspectors of boilers and shall prescribe their~~
 2 ~~duties, term of office and fix their compensation.~~

3 In addition to the employing state boiler inspectors
 4 the ~~industrial accident board~~ division of workmen's
 5 compensation shall issue to the inspectors of boiler
 6 insurance companies authorized to do business in the state,
 7 commissions, certificates, or other recognition as special
 8 boiler inspectors and shall may accept the inspection
 9 reports of ~~such~~ these special inspectors as equivalent to
 10 those of the state inspectors, ~~provided that each such~~ Each
 11 special inspector shall hold a certificate as boiler
 12 inspector issued by the national board of boiler and
 13 pressure vessels inspectors. ~~Such~~ These special inspectors
 14 shall receive no salary or expenses from the state nor shall
 15 the state collect inspection fees for inspections made by
 16 ~~such~~ these special inspectors."

17 Section 2. Section 69-1502, R.C.M. 1947, is amended to
 18 read as follows:

19 *69-1502. Qualifications of state boiler inspectors.
 20 ~~No~~ A person is not eligible to ~~hold the office of inspector~~
 21 ~~of boilers and steam engines who has not had~~ be a state
 22 boiler inspector unless he has held for at least ten years
 23 ~~of actual experience in the operation of steam engines,~~
 24 ~~steam boilers, and steam machinery, and who has not held for~~
 25 ~~at least three (3) years immediately preceding his~~

1 ~~appointment a first class stationary engineer's license of~~
 2 ~~the state of Montana, or who is three (3) years a valid~~
 3 first class engineer's license. A state inspector may not
 4 be either directly or indirectly financially interested in
 5 the manufacture or sale of boilers or steam machinery, or
 6 any patented article ~~required to be sold~~ relating thereto."

7 Section 3. Section 69-1503, R.C.M. 1947, is amended to
 8 read as follows:

9 *69-1503. Inspection of boilers—boiler installations.
 10 (1) ~~The~~ A state boiler inspector ~~of boilers must~~ shall
 11 inspect all boilers and steam generators before ~~the same~~
 12 they are used, and all persons who bring into this state,
 13 for operation in this state, any boiler ~~or boilers must~~
 14 shall notify the ~~board~~ division stating the number and kind
 15 of boilers, and where they are to be located and operated in
 16 this state, and must secure from the ~~board~~ a division an
 17 inspection certificate ~~of inspection or an operating~~
 18 certificate before ~~said boilers are~~ the boiler is placed in
 19 operation, ~~except in the case of new boilers, which must be~~
 20 ~~inspected within ninety (90) days after they are put in use,~~
 21 ~~and all~~ All boilers ~~must~~ shall be inspected at least once in
 22 every year, except boilers exempt under ~~provisions of~~
 23 section 69-1515. Upon written application, longer inspection
 24 intervals may be authorized by the ~~board~~ division. Any
 25 owner, operator or user who opens a boiler ~~or boilers~~

1 between inspections for ~~repair or other reasons must~~ major
 2 repairs shall notify the board division of such that action
 3 and ~~such the~~ boiler or boilers shall at the discretion of
 4 the board be inspected by the state boiler inspector or
 5 special boiler inspector before the boiler or boilers may be
 6 is placed back in operation. ~~Any person failing to give~~
 7 ~~notice to the board as herein provided, or who operates such~~
 8 ~~boilers without a certificate from the board, shall be~~
 9 ~~punished by a fine of not less than one hundred dollars~~
 10 ~~(\$100) nor more than five hundred dollars (\$500) for each~~
 11 ~~offense, or by imprisonment in the county jail for not less~~
 12 ~~than thirty (30) nor more than ninety (90) days, or by both~~
 13 ~~such fine and imprisonment.~~

14 (2) When necessary, the state boiler inspector or
 15 special boiler inspector shall subject ~~boilers a boiler,~~
 16 except those exempted by section 69-1515, to hydrostatic
 17 pressure, which hydrostatic pressure shall not exceed one
 18 hundred fifty per cent (150%) of the ~~steam pressure~~ maximum
 19 allowable working pressure allowed on the ~~boilers, boiler.~~
 20 ~~providing there are no such leaks on such boilers which~~
 21 ~~prevent the inspector from applying such hydrostatic~~
 22 ~~pressure. And the inspector must satisfy himself by a~~
 23 ~~thorough interior and exterior examination that the boilers~~
 24 ~~are well made and of good and suitable material; that the~~
 25 ~~openings for the passage of water and steam, respectively,~~

1 and all pipes and tubes exposed to heat, are of the proper
 2 dimensions and free from obstructions; that the flues are
 3 circular in shape; that the fire line of the furnace is at
 4 least two (2) inches below prescribed minimum water line of
 5 the boilers; that the arrangements for delivering the feed
 6 water are such that the boilers cannot be injured thereby,
 7 and that such boilers and the steam connections may be
 8 safely employed without danger to life.

9 (3) ~~New boiler installations. No~~ A boiler which does
 10 not conform to the rules and regulations formulated adopted
 11 by the committee division governing new construction and
 12 installation shall not be installed and operated in this
 13 state after ~~twelve (12) months from the date upon which the~~
 14 ~~first rules and regulations under this act pertaining to new~~
 15 ~~construction and installation shall have become effective,~~
 16 unless the boiler is of special design or construction, and
 17 therefore is not covered by the these rules and regulations,
 18 ~~nor is in any way inconsistent with such rules and~~
 19 ~~regulations, in which case a special installation and~~
 20 ~~operating permit may at its discretion be granted by the~~
 21 ~~committee division."~~

22 Section 4. Section 69-1504, R.C.M. 1947, is amended to
 23 read as follows:

24 "69-1504. Inspection of boilers—further requirements
 25 in making inspection. (1) The state boiler inspector or

1 ~~special boiler inspector must also satisfy himself shall be~~
 2 ~~satisfied that: (a) the safety valves are of suitable~~
 3 ~~relieving capacity ratings, sufficient in number and area,~~
 4 ~~and properly arranged, and that the safety valves are~~
 5 ~~properly adjusted so as to allow no greater pressure in the~~
 6 ~~boilers than the amount prescribed by the inspection or~~
 7 ~~operating certificate; (b) that there are a sufficient~~
 8 ~~number of gauge gage cocks and water gage glasses properly~~
 9 ~~inserted to indicate the amount of water, and suitable~~
 10 ~~gauges gages that will correctly record indicate the~~
 11 ~~operating pressure of steam; and (c) adequate and certain~~
 12 ~~there are adequate provisions for an ample supply of water~~
 13 ~~to feed the boilers boiler at all times; and (d) that~~
 14 ~~suitable means for blowing out down are provided, so as in~~
 15 ~~order to thoroughly remove mud and sediment from all parts~~
 16 ~~of the boilers boiler when they are under pressure, of~~
 17 ~~steam, and any renter, user, or owner of a boiler, or any~~
 18 ~~person or persons who tamper with the safety valve to allow~~
 19 ~~the boiler to carry greater pressure than is allowed by the~~
 20 ~~inspection certificate, shall be deemed guilty of a~~
 21 ~~misdeemeanor.~~

22 (2) Safety factors are as follows: (a) Where a boiler
 23 is constructed with lap horizontal seams on the boiler,
 24 dome, or drum, a factor of safety of four and one-half [4
 25 1/2] shall be used in determining the safe working pressure

1 allowed on ~~such the~~ boiler. ~~But where (b) where~~ the boilers
 2 ~~are boiler is~~ constructed with butt-strap horizontal seams,
 3 a factor of safety of four and one half [4 1/2] may be used
 4 in determining ~~such the~~ safe working pressure. (c) If the
 5 boiler rests on side wall walls on lugs, or is hung by
 6 I-beams, or is in any way set up so that the weight of the
 7 boiler is pulling against the horizontal seam of rivets, a
 8 factor of safety of five (5) must shall be used to determine
 9 the safe working pressure allowed on the boiler. (d) Where
 10 the horizontal lap seams of the boiler are exposed to the
 11 fire, a factor of safety of five (5) must shall be used to
 12 determine the safe working pressure to be allowed on ~~such~~
 13 the boiler. (e) On stay bolts, if new, a pressure of seven
 14 thousand five hundred pounds ~~pressure~~ per square inch [7,500
 15 psi] shall be allowed. ~~If such stay bolts are corroded or~~
 16 ~~defective, the inspector must determine the pressure to be~~
 17 ~~allowed on same.~~ (f) On braces made of solid material, a
 18 pressure of eight thousand pounds ~~pressure~~ per square inch
 19 [8,000 psi] shall be allowed. (g) On welded braces or braces
 20 with only one (f) crow-foot, a pressure of six thousand
 21 pounds ~~pressure~~ per square inch [6,000 psi] shall be
 22 allowed.

23 (3) ~~no cast~~ Cast iron shall may not be used in the
 24 construction or reinforcements of any boiler where the
 25 pressure allowed on ~~said the~~ boiler is more than one hundred

1 sixty pounds per square inch (160 psi)."

2 Section 5. Section 69-1505, R.C.M. 1947, is amended to
3 read as follows:

4 "69-1505. Inspection of boilers—material to be used.
5 ~~No boiler or steam pipe, nor any of the connections thereto,~~
6 ~~shall be approved which is made in whole or in part of bad~~
7 ~~material, or is unsafe from any cause. Nothing herein shall~~
8 ~~be construed to prevent the use of any boiler or steam~~
9 ~~generator which may not be constructed of riveted iron or~~
10 ~~steel plates, when the inspector has satisfactory evidence~~
11 ~~that such boiler or steam generator is equal in strength to~~
12 ~~and as safe from explosion as boilers of the best quality,~~
13 ~~constructed of iron or steel plates. All materials to be~~
14 used in the construction of boilers shall be in compliance
15 with the applicable sections of the ASME code."

16 Section 6. Section 69-1507, R.C.M. 1947, is amended to
17 read as follows:

18 "69-1507. Duty of owner to permit inspection—~~board~~
19 ~~division~~ action—costs and expenses. ~~It is the duty of the~~
20 ~~owners, engineers, or managers~~ An owner, operator, or user
21 of a steam or water boilers boiler to shall allow the
22 inspector division free access to the ~~same boiler at~~
23 reasonable times. In case the owner, operators, or manager
24 of any boiler is notified by the inspector to have said
25 boiler ready for inspection on a certain day, and fails to

1 ~~have such boiler ready for inspection at such time, the~~
2 ~~inspector shall notify the board to gain access to said~~
3 ~~boiler. Any person failing to immediately comply with board~~
4 ~~directed access to said boiler shall be deemed guilty of a~~
5 ~~misdemeanor, and upon conviction thereof shall be punished~~
6 ~~by a fine of not less than one hundred dollars nor more than~~
7 ~~five hundred dollars, or by imprisonment in the county jail~~
8 ~~for not less than two months nor more than six months, or by~~
9 ~~both such fine and imprisonment. The owner, engineer or~~
10 ~~manager operator, or user of any a boiler who has refused~~
11 the division access resulting in a board order must shall
12 pay all transportation and hotel expenses of the division
13 inspector who makes the inspection directed by such order,
14 in addition to the inspection fee provided by law. It shall
15 be the duty of the ~~The~~ engineer operating any a boiler ~~or~~
16 boilers to shall assist the inspectors division in their
17 ~~examination of the same~~ the inspection, and point out any
18 defects known to him, ~~in the boilers or machinery under his~~
19 ~~charge. Any engineer not complying with this section shall~~
20 ~~have his license revoked or suspended. The division shall~~
21 notify the owner, operator, or user of any defects found and
22 shall recommend repairs necessary to render the boiler
23 safe."

24 Section 7. Section 69-1508, R.C.M. 1947, is amended to
25 read as follows:

1 "69-1508. Licenses required--penalty--for---operating
 2 ~~without--license penalties-for-violation-of-this-act~~ PENALTY
 3 FOR OPERATING WITHOUT LICENSE. (1) No person shall be
 4 granted receive a license ~~to operate steam or water boilers~~
 5 ~~and steam machinery under the--provisions--of~~ this article
 6 act, who has not met the qualifications for licensing and
 7 found to be competent by examination, ~~to perform the--duties~~
 8 ~~of an engineer, and received a license so to act.~~ Any person
 9 ~~who--operates--any--boiler--or--steam--engine--without--first~~
 10 ~~obtaining a license is guilty of--a--misdemeanor,--and--upon~~
 11 ~~conviction--shall--be--punished--by--a--fine--of--not--less--than~~
 12 ~~fifty--dollars--nor--more--than--one--hundred--dollars,--or--by~~
 13 ~~imprisonment--in--the--county--jail--for--not--more--than--sixty~~
 14 ~~days,--or--by--both--such--fine--and--imprisonment.~~ TO PERFORM THE
 15 DUTIES OF AN ENGINEER, AND RECEIVED A LICENSE SO TO ACT.
 16 ANY PERSON WHO OPERATES ANY BOILER OR STEAM ENGINE WITHOUT
 17 FIRST OBTAINING A LICENSE IS GUILTY OF A MISDEMEANOR, AND
 18 UPON CONVICTION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN
 19 FIVE HUNDRED DOLLARS (\$500) NOR MORE THAN ONE THOUSAND
 20 DOLLARS (\$1,000), OR BY IMPRISONMENT IN THE COUNTY JAIL FOR
 21 NOT MORE THAN SIXTY (60) DAYS, OR BY BOTH SUCH FINE AND
 22 IMPRISONMENT.
 23 ~~(2)--Civil-and-criminal-penalties-for-violation-of-this~~
 24 ~~act-are-as-follows:~~
 25 ~~(a)--A--person-who-willfully-or-repeatedly-violates-the~~

1 ~~requirements of this act, or regulations prescribed under~~
 2 ~~this act, may be assessed a civil penalty of not more than~~
 3 ~~ten thousand dollars (\$10,000) for each violation.~~
 4 ~~(b) A person who violates this act, or rule~~
 5 ~~promulgated under this act, shall be assessed a civil~~
 6 ~~penalty of up to one thousand dollars (\$1,000) for each~~
 7 ~~violation.~~
 8 ~~(c) A person who willfully violates any standard,~~
 9 ~~rule, or order promulgated under this act, and that~~
 10 ~~violation caused death to any person, shall, upon~~
 11 ~~conviction, be punished by a fine of not more than ten~~
 12 ~~thousand dollars (\$10,000) or by imprisonment for not more~~
 13 ~~than six (6) months, or by both; except that if the~~
 14 ~~conviction is for a violation committed after a first~~
 15 ~~conviction of such person, punishment shall be by a fine of~~
 16 ~~not more than twenty thousand dollars (\$20,000) or by~~
 17 ~~imprisonment for not more than one (1) year, or by both.~~
 18 ~~(d) A person who gives advance notice of any~~
 19 ~~inspection to be conducted under this chapter, without~~
 20 ~~authority from the division, shall, upon conviction, be~~
 21 ~~punished by a fine of not more than one thousand dollars~~
 22 ~~(\$1,000) or by imprisonment for not more than six (6)~~
 23 ~~months, or by both.~~
 24 ~~(e) A person who knowingly makes any false statement,~~
 25 ~~representation, or certification in any application, record,~~

~~1 report, plan, or other document filed or required to be
2 maintained under this act shall, upon conviction, be
3 punished by a fine of not more than ten thousand dollars
4 (\$10,000) or by imprisonment for not more than six (6)
5 months, or by both.~~

~~6 (f) The division has authority to assess all civil
7 penalties provided in this section, giving due consideration
8 to the appropriateness of the penalty with respect to the
9 economic condition of the person charged, the gravity of the
10 violation, the good faith of the person, and the history of
11 previous violations.~~

~~12 (g) The Montana Administrative Procedure Act applies
13 to actions of the division in carrying out this act and to
14 appeals from those actions."~~

15 Section 8. There is a new R.C.M. section that reads as
16 follows:

17 Classification, licensing, and qualifications of
18 engineers. (1) Engineers entrusted with the operation,
19 care, and management of steam or water boilers, AND steam
20 driven machinery, ~~and air compressors~~ shall be divided into
21 the following classes and licensed accordingly:

22 (a) First-class engineers shall be licensed to operate
23 all classes, pressures, and temperatures of steam and water
24 boilers, and steam driven machinery.

25 (b) Applicants for a first-class engineer's license

1 shall have no less than three (3) years' experience under an
2 engineer holding a valid first-class engineer's license.

3 (c) Second-class engineers shall be licensed to
4 operate all classes, pressures, and temperatures of steam
5 boilers and steam driven machinery not to exceed two hundred
6 fifty pounds per square inch (250 psi) or water boilers not
7 in excess of three hundred seventy-five pounds per square
8 inch (375 psi).

9 (d) Applicants for a second-class engineer's license
10 shall have no less than two (2) years' experience under an
11 engineer holding a valid first-class or second-class
12 engineer's license.

13 (e) Third-class engineers shall be licensed to operate
14 steam boilers and steam driven machinery operating not in
15 excess of one hundred pounds per square inch (100 psi) or
16 water boilers operating not in excess of one hundred sixty
17 pounds per square inch (160 psi).

18 (f) Applicants for a third-class engineer's license
19 shall have no less than one (1) year's experience under an
20 engineer holding a valid first, second, or third-class
21 engineer's license.

22 (g) Low pressure engineers shall be licensed to
23 operate steam boilers not in excess of fifteen pounds per
24 square inch (15 psi) or water boilers not in excess of fifty
25 pounds per square inch (50 psi).

1 (h) Applicants for a low pressure engineer's license
 2 shall have no less than three (3) months' experience
 3 operating boilers and successfully pass a written and oral
 4 examination.

5 (2) Each licensed engineer who has not worked at a job
 6 requiring a license for a period of five (5) years shall be
 7 re-examined during the anniversary month of his license.

8 Section 9. There is a new K.C.H. section that reads as
 9 follows:

10 Variances and exceptions for licensing—traction
 11 licenses. Allowable exceptions or variances to minimum
 12 requirements of section 8 [of this act] are as follows:

13 (1) Applicants for an engineer's license in any
 14 classification holding a valid license in that
 15 classification from another state where the licensing
 16 requirements are equal to or exceeding the minimum
 17 requirements of this state and who successfully pass a
 18 written examination prescribed by the division shall be
 19 granted a license in that classification.

20 (2) Operating experience in a classification
 21 satisfactory to the division, accumulated in the United
 22 States military services may be accepted instead of the
 23 operating experience required for the licensing of engineers
 24 in each of the classifications.

25 (3) Applicants with training in the actual operation

1 of steam or water boilers and steam driven machinery who
 2 have been certified as having satisfactorily completed a
 3 prescribed training course from a recognized
 4 vocational-technical training school or center or other
 5 division-approved institution or training program in the
 6 classification for which they are applying may at the
 7 discretion of the division be credited with a maximum of six
 8 (6) months' experience toward a first, second, or
 9 third-class engineer's license.

10 (4) The licenses named in section 8 [of this act] do
 11 not entitle the holder thereof to operate a traction engine.
 12 A person who is entrusted with the care and management of a
 13 traction engine, or boiler on wheels, is required to pass an
 14 examination as to his competency to operate that machinery
 15 and to procure a license to be known as a traction license.
 16 A traction license does not entitle the holder thereof to
 17 operate any other class of steam machinery specified in
 18 section 8 [of this act]. Applicants for a traction
 19 engineer's license shall:

20 (a) have no less than six (6) months' full-time
 21 experience in the operation of steam traction engines;

22 (b) successfully pass a written examination prescribed
 23 by the division;

24 (c) be eighteen (18) years of age or older.
 25 The division may waive the experience requirement for

1 operators of traction engines that are maintained and
 2 operated as a hobby for restoration and show purposes of
 3 antique equipment.

4 Section 10. There is a new R.C.M. section that reads
 5 as follows:

6 Steam driven machinery—licensing. (1) First-class
 7 steam driven machinery engineers shall be licensed to
 8 operate all classes of steam driven machinery.

9 (2) Applicants for a first-class steam driven
 10 machinery engineer's license shall have no less than one (1)
 11 year's experience under an engineer holding a valid
 12 first-class engineer or first-class steam driven machinery
 13 license.

14 Section 11. Section 69-1510, R.C.M. 1947, is amended
 15 to read as follows:

16 "69-1510. Complaints and suspension or revocation of
 17 license. Whenever a complaint is made against an engineer
 18 holding a license that he, through negligence, want of
 19 skill, or inattention to duty, permitted his boiler ~~(or) a~~
 20 boiler, or steam driven machinery, or air compressor ~~under~~
 21 his control ~~to burn or otherwise become in bad condition~~
 22 become unsafe, or that he has been found intoxicated or
 23 under the influence of drugs while on duty, it is the duty
 24 of the board to division shall make a thorough
 25 investigation of the charge, ~~and upon satisfactory proof of~~

1 ~~such charge to revoke the license of said engineer. If the~~
 2 division finds that the person has allowed a boiler, or
 3 steam driven machinery, or air compressor under his control
 4 to become unsafe, the division may, after giving the person
 5 notice and an opportunity for hearing, revoke or suspend his
 6 license."

7 Section 12. Section 69-1511, R.C.M. 1947, is amended
 8 to read as follows:

9 "69-1511. Certificate of inspection ~~wrongfully~~
 10 ~~issuing certificate of inspection or licenses as misdemeanor~~
 11 display. In making an inspection of the boilers and
 12 machinery herein provided for, the inspectors may act
 13 jointly or separately, but the inspector or assistant
 14 inspector making such inspection must in all cases certify
 15 the same under the seal of the inspector of boilers and
 16 safety. Any inspector or assistant inspector who willfully
 17 certifies regarding any boilers or their attachments, or
 18 grants a license to any person to act as engineer contrary
 19 to the provisions of this article, is guilty of a
 20 misdemeanor. All certificates of inspection, operating
 21 certificates, and engineer's licenses shall ~~must~~ be
 22 displayed in a conspicuous place in the boiler room."

23 Section 13. Section 69-1512, R.C.M. 1947, is amended
 24 to read as follows:

25 "69-1512. Fees for inspection or examination. (1) All

1 fees for inspection are to be paid to the industrial
 2 ~~accident board~~ division in accordance with the following
 3 schedule based on safety valve setting:

4 (a) Boilers with pressure ~~under~~ thirty (30) ~~pounds per~~
 5 ~~square inch (psi) and under~~ \$10

6 (b) Boilers with pressure ~~from over~~ thirty (30) ~~pounds~~
 7 ~~(psi) to and including~~ one hundred (100) ~~pounds per square~~
 8 ~~inch (psi)~~ \$15

9 (c) Boilers with pressure ~~from over~~ one hundred (100)
 10 ~~pounds (psi) to and including~~ three hundred (300) ~~pounds~~
 11 ~~per square inch (psi)~~ \$20

12 (d) Boilers with pressure over three hundred (300)
 13 ~~pounds per square inch (psi)~~ \$30

14 (e) Miniature boilers ~~with pressure not in excess of~~
 15 ~~one hundred (100) pounds per square inch~~ \$10

16 (f) Steam traction engines \$ 5

17 (g) Operating certificate \$ 4

18 In case of the failure of the owner, ~~manager or person~~
 19 ~~operator, or user~~ in charge of any boiler to pay ~~such the~~
 20 fee to the ~~industrial accident board division~~, the ~~board~~
 21 ~~division~~ shall initiate the necessary legal action to
 22 collect ~~said the~~ fee. ~~Failure of any~~ If a person ~~fails to~~
 23 immediately abide with ~~the~~ results of ~~such board the~~
 24 ~~division~~ action he shall be ~~deemed~~ guilty of a ~~violation of~~
 25 ~~this act misdemeanor~~ and punished as ~~provided by~~ under

1 section ~~69-1507~~ 69-1508.

2 ~~(2) whenever, upon request of the owner or operator of~~
 3 ~~any boiler it is necessary for the inspector to make a~~
 4 ~~special trip for the inspection of the boiler, the mileage~~
 5 ~~and per diem allowed by law, in addition to the fees herein~~
 6 ~~prescribed, shall be charged and collected by the industrial~~
 7 ~~accident board.~~

8 ~~(3)~~ (2) Applicants for an engineer's license shall pay
 9 fees according to the class of license for which application
 10 is made, as specified in the following schedule:

- 11 (a) First class \$30
- 12 (b) Second class \$20
- 13 (c) Third class \$12
- 14 (d) Low pressure \$ 8
- 15 (e) Traction \$12
- 16 (f) Renewal of license \$ 4
- 17 (g) Replacement of lost certificate license \$ 2
- 18 (h) First-class steam driven machinery \$15

19 ~~(4)~~ (3) Each application shall be accompanied by a
 20 payment equal to fifty per cent (50%) of the license fee for
 21 which application is being made, ~~said~~ The payment shall be
 22 forfeited in the event the applicant fails to appear for the
 23 examination at the scheduled time or fails to pass the
 24 examination.

25 In case of the failure of any applicant to ~~successfully~~

1 pass an examination, ~~forty-five (45)~~ thirty (30) days ~~must~~
 2 shall elapse before he can again be examined for the
 3 license.

4 (4) All certificates of inspection, operating
 5 certificates, and engineer licenses shall be displayed in a
 6 conspicuous place in the boiler room."

7 Section 14. Section 69-1513, R.C.M. 1947, is amended
 8 to read as follows:

9 "69-1513. Review of license rejection. If any person
 10 who has applied for a license under ~~the provisions of this~~
 11 ~~article chapter~~, and has been rejected, feels aggrieved, he
 12 may at any time after ~~the lapse of~~ ten (10) days, and within
 13 forty-five (45) days after the date of his rejection, in
 14 writing set forth the causes of his grievance and request a
 15 board division review. ~~Such~~ The request ~~must~~ shall be
 16 addressed to the board division and shall be signed by the
 17 rejected applicant. Within ~~two~~ ten (10) days after receiving
 18 ~~such the~~ request, ~~it is the duty of the board to~~ division
 19 shall notify the applicant in writing that on a certain day,
 20 which shall not be less than ~~five~~ twenty (20) nor more than
 21 ~~thirty (30)~~ forty-five (45) days after the date the board
 22 division receives ~~said the~~ written request, the ~~committee~~
 23 division shall review and evaluate the application. The
 24 applicant may appear in person ~~at said review if he so~~
 25 ~~desires~~. At least ~~two~~ ten (10) days before the day set for

1 the review the applicant ~~may~~ shall designate in writing to
 2 the ~~board~~ division the name of an engineer holding a valid
 3 license of equal or higher grade ~~with than~~ the one applied
 4 for, and ~~each the~~ engineer may present himself in behalf of
 5 the applicant upon the day and at the hour fixed for the
 6 review."

7 Section 15. Section 69-1514, R.C.M. 1947, is amended
 8 to read as follows:

9 "69-1514. ~~Board Division~~ decision. ~~After said~~ If after
 10 the review is completed, ~~and it a majority of the committee~~
 11 the division decides that ~~such the~~ applicant is entitled to
 12 the license he has applied for, the board division shall
 13 without delay issue a license accordingly, ~~but if a~~
 14 ~~majority of the committee~~ However, if the division rejects
 15 the applicant, it is a final rejection, and ~~he must the~~
 16 division shall not be ~~granted~~ grant another examination ~~for~~
 17 ~~the space of forty-five (45) within thirty (30)~~ days after
 18 ~~such the~~ last rejection, when ~~he the~~ applicant may again
 19 apply as provided by section 69-1512."

20 Section 16. Section 69-1515, R.C.M. 1947, is amended
 21 to read as follows:

22 "69-1515. Boilers exempted from provisions—duty of
 23 owner of traction engine—notice of purchase of boiler. (1)
 24 This act ~~shall~~ does not apply to boilers under federal
 25 control, except the division shall, if requested, perform

1 courtesy inspections of such boilers. The provisions of
 2 this act requiring inspections, inspection fees, and
 3 certificates shall do not apply to ~~steam heating boilers~~
 4 ~~operated at not over fifteen (15) pounds per square inch~~
 5 ~~gauge pressure in private residences or apartments of six~~
 6 ~~(6) or less families or to hot water heating or supply~~
 7 ~~boilers operated at not over fifty (50) pounds per square~~
 8 ~~inch gauge pressure and temperatures not over two hundred~~
 9 ~~fifty degrees Fahrenheit (250° F) when located in private~~
 10 ~~residences, or apartments of six (6) or less families. The~~
 11 provisions of this act requiring licensed operators do not
 12 apply to any hot water boiler of seven hundred fifty
 13 thousand (750,000) BTU input or less. Locomotives, commonly
 14 known as dinky engines, used in operating logging or mining
 15 railroads, or any similar work where such locomotives are
 16 owned, leased or operated by any individual, company, or
 17 corporation and are used in the business of such individual,
 18 company, or corporation, and not for general commercial
 19 purposes, shall be classed as traction engines and be
 20 subject to inspection as are other traction engines, and the
 21 persons operating or firing such dinky locomotives shall be
 22 required to hold traction licenses. No persons A person
 23 operating any of the an engine engine or boilers boiler
 24 hereinbefore exempted exempt from the operation of this
 25 article chapter shall be is not required to procure a

1 license from the board division.

2 (2) ~~Any A~~ person purchasing ~~any a~~ boiler, whether
 3 traction or stationary, ~~shall be is~~ entitled to receive from
 4 the seller the certificates of inspection issued on ~~such the~~
 5 boiler, and any person purchasing ~~any a~~ boiler, whether
 6 traction or stationary, not exempted by the provisions of
 7 this section, shall, within ten (10) days after such
 8 purchase, report the fact of ~~such the~~ purchase to the board
 9 division and shall notify the board division as to where
 10 ~~said the~~ boiler will be installed and operated. ~~Any person~~
 11 ~~failing to comply with the provisions of this section shall~~
 12 ~~be deemed guilty of a misdemeanor.~~ All other boilers and
 13 steam engines, except as herein exempted, come under the
 14 provisions of this article act and persons operating same
 15 are required to hold the proper grade class of license."

16 Section 17. Section 69-1516, R.C.M. 1947, is amended
 17 to read as follows:

18 "69-1516. ~~Certificates must~~ Licenses shall be renewed
 19 yearly ~~failure to renew. All certificates of license to~~
 20 ~~engineers of all classes of engineer's licenses~~ shall be
 21 renewed yearly, except as herein provided. ~~Any An~~ engineer
 22 failing to renew his license as herein provided, or within
 23 at least thirty (30) days after the date of expiration shall
 24 be assessed the fee for the original license of the same
 25 grade class, before the license will may be reissued. Any

1 engineer failing to renew his license within twelve (12)
 2 months of the date of expiration, ~~must shall~~ reapply for an
 3 engineer's license as required by ~~the provisions of~~ section
 4 ~~69-1504~~ [8 of this act]; ~~provided, however, that~~ however,
 5 any engineer whose license expired while ~~such the~~ engineer
 6 was in the United States military ~~or naval~~ service ~~of the~~
 7 ~~United States shall have~~ has ninety (90) days from the time
 8 ~~such the~~ engineer is discharged from ~~such~~ military ~~or naval~~
 9 service within which to renew his license ~~at the renewal~~
 10 ~~fee."~~

11 Section 18. Section 69-1517, R.C.M. 1947, is amended
 12 to read as follows:

13 *69-1517. Operation of ~~boiler or~~ boilers and steam
 14 engine driven machinery without license. It is unlawful for
 15 ~~any a~~ a person in this state to operate a ~~stationary boiler,~~
 16 ~~or steam engine driven machinery, or any boiler or steam~~
 17 ~~engine other than engines and boilers those~~ those exempted by the
 18 ~~provisions of section~~ under section 69-1515, without a
 19 license granted under ~~the provisions of this article this~~
 20 act. The owner, ~~renter~~ operator, or user of any ~~engine or~~
 21 ~~boiler or steam driven machinery~~ is equally liable for the
 22 violation of this section. But in case of accident,
 23 sickness, or any unforeseen work prevention ~~of by~~ the
 24 licensed engineer employed by any owner, ~~renter~~ operator, or
 25 user ~~of an engine or boiler~~, the owner, ~~renter~~ operator, or

1 user may, for fifteen (15) days, employ any person of the
 2 age of eighteen (18) years or ~~ever when older who~~ he may
 3 ~~consider~~ considers competent to run the ~~engine or boiler, or~~
 4 steam driven machinery although ~~such the~~ person ~~so~~ employed
 5 ~~may is~~ not be the holder of an engineer's license, ~~he~~ The
 6 person employed shall have reasonable qualifications
 7 acceptable to the ~~board~~ division. The person ~~so~~ employing
 8 the unlicensed ~~engineer operator~~ shall immediately notify
 9 the ~~board~~ division of this action. ~~But no An~~ owner, ~~renter~~
 10 operator, or user of boilers or steam ~~machinery driven~~
 11 machinery shall not shall be allowed to so employ unlicensed
 12 ~~engineers operators~~ for more than fifteen (15) days in any
 13 one (1) calendar year. ~~and it shall be~~ it is unlawful,
 14 except as stated in this section, for ~~any a~~ a person, firm, or
 15 corporation to employ ~~any a~~ a person not duly licensed as an
 16 engineer, within the meaning of this act, to run or operate
 17 any of the boilers or ~~engines~~ steam driven machinery subject
 18 to the provisions of this act."

19 Section 19. Grandfather clause. A person holding a
 20 valid license may renew it without meeting the requirements
 21 of this act. All applicants for new licenses or lapsed
 22 licenses shall comply with the provisions of this act.

23 SECTION 20. LICENSING OF LOW-PRESSURE BOILERS.
 24 BOILERS REQUIRING A LOW-PRESSURE LICENSED OPERATOR SHALL BE
 25 ATTENDED BY THE LICENSED OPERATOR THROUGH ONE (1) COMPLETE

1 ON-OFF CYCLE, (OR FOR NOT LESS THAN A FIFTEEN (15) MINUTE
2 PERIOD FOR BOILERS USING SOLID FUELS), AT THE BEGINNING OF
3 EACH SHIFT IN OCCUPIED PUBLIC AND INDUSTRIAL BUILDINGS OR
4 OTHER AREAS OF ASSEMBLY, AND THE LICENSED OPERATOR SHALL
5 THEN CHECK THE OPERATION OF THE AUTOMATIC CONTROLS INCLUDING
6 WATER LEVEL, FEED WATER, LOW WATER FUEL CUT-OFF, FUEL TRAIN,
7 ETC. SAFETY OR RELIEF VALVES SHALL BE MANUALLY TESTED AT
8 LEAST ONCE EVERY THIRTY (30) DAYS. BOILERS MANUALLY FIRED
9 WITH SOLID OR GASEOUS FUELS MUST BE ATTENDED BY THE LICENSED
10 OPERATOR AT ALL TIMES THAT THE BOILER IS FIRED.

11 Section 21. Sections 69-1506, 69-1509, 69-1701,
12 69-1702, and 69-1703, R.C.M. 1947, are repealed.

-End-

HOUSE BILL NO. 408

INTRODUCED BY JOHNSON, BRAND, KEMMIS,

LESTER, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 69-1501 THROUGH 69-1505 AND 69-1507, 69-1508, 69-1510 THROUGH 69-1517, R.C.M. 1947, RELATING TO INSPECTION AND OPERATION OF STEAM BOILERS AND STEAM MACHINERY; THE LICENSING OF ENGINEERS FOR STEAM BOILERS AND STEAM MACHINERY; AND REPEALING SECTIONS 69-1506, 69-1509, 69-1701, 69-1702, AND 69-1703, R.C.M. 1947."

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

Section 1. Section 69-1501, R.C.M. 1947, is amended to read as follows:

"69-1501. ~~Advisory committee functions and appointment and terms of members traveling expenses rules and regulations state~~ State boiler inspectors of boilers, appointment, ~~term and compensation~~ special boiler inspectors. (1) ~~There is hereby created to advise the industrial accident board an advisory committee which shall hereafter be referred to as the committee, consisting of three (3) members who shall be appointed by the governor, one for two (2) years, one for three (3) years and one for four (4) years. At the expiration of their respective terms~~

~~or when vacancies occur they or their successors identified with the same interest respectively shall be appointed by the governor for terms of four (4) years each. Of these appointed members one (1) shall be a Montana first class steam licensed operating engineer of boilers employed in that capacity at the time of his appointment, one (1) shall be commissioned by the national board of boilers and pressure vessels inspectors and shall represent the boiler insurance companies licensed to do business in the state, and one (1) shall be a Montana registered professional mechanical engineer. The committee shall elect one (1) of its members as chairman and shall meet whenever required.~~

~~The members of the committee shall serve without salary but shall receive actual travel expenses in the same manner as other state officers.~~

~~The committee shall act in a technical advisory capacity to the industrial accident board and shall formulate definitions, rules and regulations for the safe construction, installation, operation, inspection and repair of equipment covered by this act. The definitions, rules and regulations so formulated shall follow generally accepted nationwide engineering standards as published by the American society of mechanical engineers.~~

~~(2) Appointment, term and compensation of boiler inspectors. The industrial accident board shall appoint~~

~~state inspectors of boilers and shall prescribe their duties, term of office and fix their compensation.~~

In addition to the employing state boiler inspectors the ~~industrial accident board~~ division of workmen's compensation shall issue to the inspectors of boiler insurance companies authorized to do business in the state, commissions, certificates, or other recognition as special boiler inspectors and ~~shall~~ may accept the inspection reports of ~~such~~ these special inspectors as equivalent to those of the state inspectors, ~~provided that each such~~ Each special inspector shall hold a certificate as boiler inspector issued by the national board of boiler and pressure vessels inspectors. ~~Such~~ These special inspectors shall receive no salary or expenses from the state nor shall the state collect inspection fees for inspections made by ~~such~~ these special inspectors."

Section 2. Section 69-1502, R.C.M. 1947, is amended to read as follows:

"69-1502. Qualifications of state boiler inspectors. ~~No~~ A person is not eligible to ~~hold the office of inspector of boilers and steam engines who has not had~~ be a state boiler inspector unless he has held for at least ten years ~~of actual experience in the operation of steam engines, steam boilers, and steam machinery, and who has not held for~~ at least three (3) years immediately preceding his

~~appointment a first class stationary engineer's license of the state of Montana, or who is~~ three (3) years a valid first class engineer's license. A state inspector may ~~not~~ be either directly or indirectly financially interested in the manufacture or sale of boilers or steam machinery, or any patented article ~~required to be soid~~ relating thereto."

Section 3. Section 69-1503, R.C.M. 1947, is amended to read as follows:

"69-1503. Inspection of boilers--boiler installations. (1) ~~The~~ A state boiler inspector ~~of boilers must~~ shall inspect all boilers and steam generators before ~~the same~~ they are used, and all persons who bring into this state, for operation in this state, any boiler ~~or boilers must~~ shall notify the ~~board~~ division stating the number and kind of boilers, and where they are to be located and operated in this state, and must secure from the ~~board a~~ division an inspection certificate ~~of inspection or an operating certificate~~ before ~~said boilers are~~ the boiler is placed in operation, ~~except in the case of new boilers, which must be inspected within ninety (90) days after they are put in use,~~ and all All boilers must shall be inspected at least once in every year, except boilers exempt under ~~provisions of~~ section 69-1515. Upon written application, longer inspection intervals may be authorized by the ~~board~~ division. Any owner, operator or user who opens a boiler ~~or boilers~~

1 between inspections for ~~repair or other reasons~~ must major
 2 repairs shall notify the board division of such that action
 3 and such the boiler ~~or boilers~~ shall at ~~the discretion of~~
 4 ~~the board~~ be inspected by the state boiler inspector or
 5 special boiler inspector before the boiler ~~or boilers may be~~
 6 is placed back in operation. Any ~~person failing to give~~
 7 ~~notice to the board as herein provided, or who operates such~~
 8 ~~boilers without a certificate from the board, shall be~~
 9 ~~punished by a fine of not less than one hundred dollars~~
 10 ~~(\$100) nor more than five hundred dollars (\$500) for each~~
 11 ~~offense, or by imprisonment in the county jail for not less~~
 12 ~~than thirty (30) nor more than ninety (90) days, or by both~~
 13 ~~such fine and imprisonment.~~

14 (2) When necessary, the state boiler inspector or
 15 special boiler inspector shall subject ~~boilers~~ a boiler,
 16 except those exempted by section 69-1515, to hydrostatic
 17 pressure, which hydrostatic pressure shall not exceed one
 18 hundred fifty per cent (150%) of the steam pressure maximum
 19 allowable working pressure allowed on the boilers, boiler.
 20 ~~providing there are no such leaks on such boilers which~~
 21 ~~prevent the inspector from applying such hydrostatic~~
 22 ~~pressure. And the inspector must satisfy himself by a~~
 23 ~~thorough interior and exterior examination that the boilers~~
 24 ~~are well made and of good and suitable material, that the~~
 25 ~~openings for the passage of water and steam, respectively,~~

1 ~~and all pipes and tubes exposed to heat, are of the proper~~
 2 ~~dimensions and free from obstructions, that the flues are~~
 3 ~~circular in shape, that the fire line of the furnace is at~~
 4 ~~least two (2) inches below prescribed minimum water line of~~
 5 ~~the boilers, that the arrangements for delivering the feed~~
 6 ~~water are such that the boilers cannot be injured thereby,~~
 7 ~~and that such boilers and the steam connections may be~~
 8 ~~safely employed without danger to life.~~

9 (3) ~~New boiler installations. No~~ A boiler which does
 10 not conform to the rules ~~and regulations formulated~~ adopted
 11 by the committee division governing new construction and
 12 installation shall not be installed and operated in this
 13 state ~~after twelve (12) months from the date upon which the~~
 14 ~~first rules and regulations under this act pertaining to new~~
 15 ~~construction and installation shall have become effective,~~
 16 unless the boiler is of special design or construction, and
 17 therefore is not covered by the these rules ~~and regulations,~~
 18 ~~nor is in any way inconsistent with such rules and~~
 19 ~~regulations, in which case a special installation and~~
 20 ~~operating permit may at its discretion be granted by the~~
 21 ~~committee division."~~

22 Section 4. Section 69-1504, R.C.M. 1947, is amended to
 23 read as follows:

24 "69-1504. Inspection of boilers--further requirements
 25 in making inspection. (1) The state boiler inspector or

1 special boiler inspector ~~must also satisfy himself~~ shall be
 2 satisfied that: (a) the safety valves are of suitable
 3 relieving capacity ~~ratings~~, sufficient in number ~~and area~~,
 4 ~~and~~ properly arranged, and ~~that the safety valves are~~
 5 properly adjusted so as to allow no greater pressure in the
 6 boilers than the amount prescribed by the inspection or
 7 operating certificate; (b) ~~that~~ there are a sufficient
 8 number of gauge gage cocks and water gage glasses properly
 9 inserted to indicate the amount of water, and suitable
 10 gauges gages that will correctly ~~record~~ indicate the
 11 operating pressure ~~of steam~~; and (c) adequate and certain
 12 there are adequate provisions for an ample supply of water
 13 to feed the ~~boilers boiler~~ at all times; and (d) ~~that~~
 14 suitable means for blowing out down are provided, ~~so as in~~
 15 order to thoroughly remove mud and sediment from all parts
 16 of the ~~boilers boiler~~ when they are under pressure of
 17 ~~steam, and any renter, user, or owner of a boiler, or any~~
 18 ~~person or persons who tamper with the safety valve to allow~~
 19 ~~the boiler to carry greater pressure than is allowed by the~~
 20 ~~inspection certificate, shall be deemed guilty of a~~
 21 ~~misdemeanor.~~

22 (2) Safety factors are as follows: (a) Where a boiler
 23 is constructed with lap horizontal seams on the boiler,
 24 dome, or drum, a factor of safety of four and one-half (4
 25 1/2) shall be used in determining the safe working pressure

1 allowed on ~~such the~~ boiler. ~~But--where~~ (b) Where the ~~boilers~~
 2 ~~are boiler~~ is constructed with butt-strap horizontal seams,
 3 a factor of safety of four and one half (4 1/2) may be used
 4 in determining ~~such the~~ safe working pressure. (c) If the
 5 boiler rests on side ~~wall~~ walls on lugs, or is hung by
 6 I-beams, or is in any way set up so that the weight of the
 7 boiler is pulling against the horizontal seam of rivets, a
 8 factor of safety of five (5) ~~must shall~~ be used to determine
 9 the safe working pressure allowed on the boiler. (d) Where
 10 the horizontal lap seams of the boiler are exposed to the
 11 fire, a factor of safety of five (5) ~~must shall~~ be used to
 12 determine the safe working pressure to be allowed on ~~such~~
 13 ~~the~~ boiler. (e) On stay bolts, if new, a pressure of seven
 14 thousand five hundred pounds pressure per square inch (7,500
 15 psi) shall be allowed. ~~if such stay bolts are corroded or~~
 16 ~~defective, the inspector must determine the pressure to be~~
 17 ~~allowed on same.~~ (f) On braces made of solid material, a
 18 pressure of eight thousand pounds pressure per square inch
 19 (8,000 psi) shall be allowed. (g) On welded braces or braces
 20 with only one (1) crow-foot, a pressure of six thousand
 21 pounds pressure per square inch (6,000 psi) shall be
 22 allowed.

23 (3) ~~no cast~~ Cast iron shall ~~may not~~ be used in the
 24 construction or reinforcements of any boiler where the
 25 pressure allowed on ~~said the~~ boiler is more than one hundred

1 sixty pounds per square inch (160 psi)."
 2 Section 5. Section 69-1505, R.C.M. 1947, is amended to
 3 read as follows:
 4 "69-1505. Inspection of boilers--material to be used.
 5 ~~No boiler or steam pipe, nor any of the connections thereto,~~
 6 ~~shall be approved which is made in whole or in part of bad~~
 7 ~~material, or is unsafe from any cause. Nothing herein shall~~
 8 ~~be construed to prevent the use of any boiler or steam~~
 9 ~~generator which may not be constructed of riveted iron or~~
 10 ~~steel plates, when the inspector has satisfactory evidence~~
 11 ~~that such boiler or steam generator is equal in strength to~~
 12 ~~and as safe from explosion as boilers of the best quality,~~
 13 ~~constructed of iron or steel plates. All materials to be~~
 14 used in the construction of boilers shall be in compliance
 15 with the applicable sections of the ASME code."

16 Section 6. Section 69-1507, R.C.M. 1947, is amended to
 17 read as follows:
 18 "69-1507. Duty of owner to permit inspection--board
 19 division action--costs and expenses. ~~It is the duty of the~~
 20 ~~owners, engineers, or managers~~ An owner, operator, or user
 21 of a steam or water boilers boiler to shall allow the
 22 inspector division free access to the ~~same boiler at~~
 23 reasonable times. In case the owner, operators, or manager
 24 ~~of any boiler is notified by the inspector to have said~~
 25 ~~boiler ready for inspection on a certain day, and fails to~~

1 ~~have such boiler ready for inspection at such time, the~~
 2 ~~inspector shall notify the board to gain access to said~~
 3 ~~boiler. Any person failing to immediately comply with board~~
 4 ~~directed access to said boiler shall be deemed guilty of a~~
 5 ~~misdemeanor, and upon conviction thereof shall be punished~~
 6 ~~by a fine of not less than one hundred dollars nor more than~~
 7 ~~five hundred dollars, or by imprisonment in the county jail~~
 8 ~~for not less than two months nor more than six months, or by~~
 9 ~~both such fine and imprisonment. The owner, engineer or~~
 10 ~~manager operator, or user of any a boiler who has refused~~
 11 the division access resulting in a board order must shall
 12 pay all transportation and hotel expenses of the division
 13 inspector who makes the inspection directed by such order,
 14 in addition to the inspection fee provided by law. It shall
 15 ~~be the duty of the~~ The engineer operating any a boiler or
 16 ~~boilers to shall~~ assist the inspectors division in their
 17 ~~examination of the same~~ the inspection, and point out any
 18 defects known to him, ~~in the boilers or machinery under his~~
 19 ~~charge. Any engineer not complying with this section shall~~
 20 ~~have his license revoked or suspended. The division shall~~
 21 notify the owner, operator, or user of any defects found and
 22 shall recommend repairs necessary to render the boiler
 23 safe."

24 Section 7. Section 69-1508, R.C.M. 1947, is amended to
 25 read as follows:

1 ~~"69-1508. Licenses required--penalty--for--operating~~
 2 ~~without-license penalties-for-violation-of-this-act PENALTY~~
 3 ~~FOR OPERATING WITHOUT LICENSE. (1) No person shall be~~
 4 ~~granted receive a license to operate steam or water--boilers~~
 5 ~~and--steam--machinty under the-provisions-of this article~~
 6 ~~act, who has not met the qualifications for licensing and~~
 7 ~~found to be competent by examination, to-perform-the-duties~~
 8 ~~of-an-engineer, and-received-a-license-so-to-act. Any person~~
 9 ~~who operates--any--boiler--or--steam--engine--without--first~~
 10 ~~obtaining--a--license--is--guilty-of-a-misdemeanor, and-upon~~
 11 ~~conviction shall be punished by a fine--of--not--less--than~~
 12 ~~fifty--dollars--nor--more--than--one--hundred--dollars, or-by~~
 13 ~~imprisonment-in-the-county-jail-for--not--more--than--sixty~~
 14 ~~days,--or--by--both--such--fine--and--imprisonment. TO PERFORM THE~~
 15 ~~DUTIES OF AN ENGINEER, AND RECEIVED A LICENSE SO TO ACT.~~
 16 ~~ANY PERSON WHO OPERATES ANY BOILER OR STEAM ENGINE WITHOUT~~
 17 ~~FIRST OBTAINING A LICENSE IS GUILTY OF A MISDEMEANOR, AND~~
 18 ~~UPON CONVICTION SHALL BE PUNISHED BY A FINE OF NOT LESS MORE~~
 19 ~~THAN FIVE HUNDRED DOLLARS (\$500) NOR-MORE-THAN-ONE-THOUSAND~~
 20 ~~DOLLARS-(\$1,000), OR BY IMPRISONMENT IN THE COUNTY JAIL FOR~~
 21 ~~NOT MORE THAN SIXTY (60) DAYS, OR BY BOTH SUCH FINE AND~~
 22 ~~IMPRISONMENT."~~
 23 ~~(2)--Civil-and-criminal-penalties-for-violation-of-this~~
 24 ~~act-are-as-follows:~~
 25 ~~(a)--A-person-who-willfully-or-repeatedly-violates--the~~

1 ~~requirements--of--this--act, or-regulations-prescribed-under~~
 2 ~~this-act, may-be-assessed-a-civil-penalty-of-not-more--than~~
 3 ~~ten-thousand-dollars-(\$10,000)-for-each-violation;~~
 4 ~~(b)--A--person--who--violates--this-act,--or--rule~~
 5 ~~promulgated-under--this--act,--shall--be--assessed--a--civil~~
 6 ~~penalty--of--up--to--one--thousand--dollars-(\$1,000)-for-each~~
 7 ~~violation;~~
 8 ~~(c)--A--person--who--willfully--violates--any--standard,~~
 9 ~~rule,--or--order--promulgated-under--this--act,--and--that~~
 10 ~~violation--causes--death--to--any--person,--shall,--upon~~
 11 ~~conviction,--be--punished--by--a--fine--of--not--more--than--ten~~
 12 ~~thousand-dollars-(\$10,000)--or--by--imprisonment--for--not--more~~
 13 ~~than--six--(6)--months,--or--by--both,--except--that--if--the~~
 14 ~~conviction--is--for--a--violation--committed--after--a--first~~
 15 ~~conviction--of--such--person,--punishment--shall--be--by--a--fine--of~~
 16 ~~not--more--than--twenty--thousand--dollars-(\$20,000)--or--by~~
 17 ~~imprisonment--for--not--more--than--one--(1)--year,--or--by--both;~~
 18 ~~(d)--A--person--who--gives--advance--notice--of--any~~
 19 ~~inspection--to--be--conducted--under--this--chapter,--without~~
 20 ~~authority--from--the--division,--shall,--upon--conviction,--be~~
 21 ~~punished--by--a--fine--of--not--more--than--one--thousand--dollars~~
 22 ~~(\$1,000)--or--by--imprisonment--for--not--more--than--six--(6)~~
 23 ~~months,--or--by--both;~~
 24 ~~(e)--A--person--who--knowingly--makes--any--false--statement,~~
 25 ~~representation,--or--certification--in--any--application,--record,~~

~~report, plan, or other document filed or required to be maintained under this act shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment for not more than six (6) months, or by both.~~

~~(f) The division has authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the economic condition of the person charged, the gravity of the violation, the good faith of the person, and the history of previous violations.~~

~~(g) The Montana Administrative Procedure Act applies to actions of the division in carrying out this act and to appeals from those actions.~~

Section 8. There is a new R.C.M. section that reads as follows:

Classification, licensing, and qualifications of engineers. (1) Engineers entrusted with the operation, care, and management of steam or water boilers, AND steam driven machinery, ~~and air compressors~~ shall be divided into the following classes and licensed accordingly:

(a) First-class engineers shall be licensed to operate all classes, pressures, and temperatures of steam and water boilers, and steam driven machinery.

(b) Applicants for a first-class engineer's license

shall have no less than three (3) years' experience under an engineer holding a valid first-class engineer's license.

(c) Second-class engineers shall be licensed to operate all classes, pressures, and temperatures of steam boilers and steam driven machinery not to exceed two hundred fifty pounds per square inch (250 psi) or water boilers not in excess of three hundred seventy-five pounds per square inch (375 psi).

(d) Applicants for a second-class engineer's license shall have no less than two (2) years' experience under an engineer holding a valid first-class or second-class engineer's license.

(e) Third-class engineers shall be licensed to operate steam boilers and steam driven machinery operating not in excess of one hundred pounds per square inch (100 psi) or water boilers operating not in excess of one hundred sixty pounds per square inch (160 psi).

(f) Applicants for a third-class engineer's license shall have no less than one (1) year's experience under an engineer holding a valid first, second, or third-class engineer's license.

(g) Low pressure engineers shall be licensed to operate steam boilers not in excess of fifteen pounds per square inch (15 psi) or water boilers not in excess of fifty pounds per square inch (50 psi).

1 (h) Applicants for a low pressure engineer's license
 2 shall have no less than three (3) months' experience
 3 operating boilers and successfully pass a written and oral
 4 examination.

5 (2) Each licensed engineer who has not worked at a job
 6 requiring a license for a period of five (5) years shall be
 7 re-examined during the anniversary month of his license.

8 Section 9. There is a new R.C.M. section that reads as
 9 follows:

10 Variances and exceptions for licensing--traction
 11 licenses. Allowable exceptions or variances to minimum
 12 requirements of section 8 [of this act] are as follows:

13 (1) Applicants for an engineer's license in any
 14 classification holding a valid license in that
 15 classification from another state where the licensing
 16 requirements are equal to or exceeding the minimum
 17 requirements of this state and who successfully pass a
 18 written examination prescribed by the division shall be
 19 granted a license in that classification.

20 (2) Operating experience in a classification
 21 satisfactory to the division, accumulated in the United
 22 States military services may be accepted instead of the
 23 operating experience required for the licensing of engineers
 24 in each of the classifications.

25 (3) Applicants with training in the actual operation

1 of steam or water boilers and steam driven machinery who
 2 have been certified as having satisfactorily completed a
 3 prescribed training course from a recognized
 4 vocational-technical training school or center or other
 5 division-approved institution or training program in the
 6 classification for which they are applying may at the
 7 discretion of the division be credited with a maximum of six
 8 (6) months' experience toward a first, second, or
 9 third-class engineer's license.

10 (4) The licenses named in section 8 [of this act] do
 11 not entitle the holder thereof to operate a traction engine.
 12 A person who is entrusted with the care and management of a
 13 traction engine, or boiler on wheels, is required to pass an
 14 examination as to his competency to operate that machinery
 15 and to procure a license to be known as a traction license.
 16 A traction license does not entitle the holder thereof to
 17 operate any other class of steam machinery specified in
 18 section 8 [of this act]. Applicants for a traction
 19 engineer's license shall:

20 (a) have no less than six (6) months' full-time
 21 experience in the operation of steam traction engines;

22 (b) successfully pass a written examination prescribed
 23 by the division;

24 (c) be eighteen (18) years of age or older.

25 The division may waive the experience requirement for

1 operators of traction engines that are maintained and
2 operated as a hobby for restoration and show purposes of
3 antique equipment.

4 Section 10. There is a new R.C.M. section that reads
5 as follows:

6 Steam driven machinery--licensing. (1) First-class
7 steam driven machinery engineers shall be licensed to
8 operate all classes of steam driven machinery.

9 (2) Applicants for a first-class steam driven
10 machinery engineer's license shall have no less than one (1)
11 year's experience under an engineer holding a valid
12 first-class engineer or first-class steam driven machinery
13 license.

14 Section 11. Section 69-1510, R.C.M. 1947, is amended
15 to read as follows:

16 "69-1510. Complaints and suspension or revocation of
17 license. Whenever a complaint is made against an engineer
18 holding a license that he, through negligence, want of
19 skill, or inattention to duty, permitted his boiler(s) a
20 boiler, OR steam driven machinery, or air compressor under
21 his control to burn or otherwise become in bad condition
22 become unsafe, or that he has been found intoxicated or
23 under the influence of drugs while on duty, it is the duty
24 of the board to division shall make a thorough
25 investigation of the charge, and upon satisfactory proof of

1 ~~such charge to revoke the license of said engineer. If the~~
2 ~~division finds that the person has allowed a boiler, OR~~
3 ~~steam driven machinery, or air compressor~~ under his control
4 ~~to become unsafe, the division may, after giving the person~~
5 ~~notice and an opportunity for hearing, revoke or suspend his~~
6 ~~license."~~

7 Section 12. Section 69-1511, R.C.M. 1947, is amended
8 to read as follows:

9 "69-1511. Certificate of inspection ~~wrongfully~~
10 ~~issuing certificate of inspection or licenses as misdemeanor~~
11 ~~display. In making an inspection of the boilers and~~
12 ~~machinery herein provided for, the inspectors may act~~
13 ~~jointly or separately, but the inspector or assistant~~
14 ~~inspector making such inspection must in all cases certify~~
15 ~~the same under the seal of the inspector of boilers and~~
16 ~~safety. Any inspector or assistant inspector who willfully~~
17 ~~certifies regarding any boilers or their attachments, or~~
18 ~~grants a license to any person to act as engineer contrary~~
19 ~~to the provisions of this article, is guilty of a~~
20 ~~misdemeanor.~~ All certificates of inspection, operating
21 certificates, and engineer's licenses shall must be
22 displayed in a conspicuous place in the boiler room."

23 Section 13. Section 69-1512, R.C.M. 1947, is amended
24 to read as follows:

25 "69-1512. Fees for inspection or examination. (1) All

1 fees for inspection are to be paid to the ~~industrial~~
 2 ~~accident--board~~ division in accordance with the following
 3 schedule based on safety valve setting:

4 (a) Boilers with pressure ~~under~~ over thirty (30) ~~pounds--per~~
 5 ~~square--inch (psi) and under~~ \$10

6 (b) Boilers with pressure ~~from~~ over thirty (30) ~~pounds~~
 7 ~~(psi) to and including~~ one hundred (100) ~~pounds-per--square~~
 8 ~~inch (psi)~~ \$15

9 (c) Boilers with pressure ~~from~~ over one hundred (100)
 10 ~~pounds (psi) to and including~~ three hundred (300) ~~pounds~~
 11 ~~per-square-inch (psi)~~ \$20

12 (d) Boilers with pressure over three hundred (300)
 13 ~~pounds-per-square-inch (psi)~~ \$30

14 (e) ~~Miniature boilers with pressure not--in--excess--of~~
 15 ~~one-hundred-(100)-pounds-per-square-inch~~ \$10

16 (f) Steam traction engines \$ 5

17 (g) Operating certificate \$ 4

18 In case of the failure of the owner, ~~manager-or-person~~
 19 operator, or user in charge of any boiler to pay such the
 20 fee to the ~~industrial--accident-board~~ division, the ~~board~~
 21 division shall initiate the necessary legal action to
 22 collect ~~said the~~ the fee. ~~Failure-of-any~~ If a person fails to
 23 immediately abide with the results of ~~such--board the~~
 24 division action he shall be ~~deemed~~ guilty of a violation of
 25 this act ~~misdemeanor~~ and punished ~~as--provided--by~~ under

1 section ~~69-1507~~ 69-1508.

2 ~~(2) Whenever, upon request of the owner or operator of~~
 3 ~~any boiler it is necessary for the inspector to make a~~
 4 ~~special trip for the inspection of the boiler, the mileage~~
 5 ~~and per diem allowed by law, in addition to the fees herein~~
 6 ~~prescribed, shall be charged and collected by the industrial~~
 7 ~~accident board.~~

8 ~~(3)~~ (2) Applicants for an engineer's license shall pay
 9 fees according to the class of license for which application
 10 is made, as specified in the following schedule:

11 (a) First class \$30

12 (b) Second class \$20

13 (c) Third class \$12

14 (d) Low pressure \$ 8

15 (e) Traction \$12

16 (f) Renewal of license \$ 4

17 (g) Replacement of lost certificate license \$ 2

18 (h) First-class steam driven machinery \$15

19 ~~(4)~~ (3) Each application shall be accompanied by a
 20 payment equal to fifty per cent (50%) of the license fee for
 21 which application is being made, ~~said~~ The payment shall be
 22 forfeited in the event the applicant fails to appear for the
 23 examination at the scheduled time or fails to pass the
 24 examination.

25 In case of the failure of any applicant to successfully

1 pass an examination, ~~forty-five-(45)~~ thirty (30) days must
 2 shall elapse before he can again be examined for the
 3 license.

4 (4) All certificates of inspection, operating
 5 certificates, and engineer licenses shall be displayed in a
 6 conspicuous place in the boiler room."

7 Section 14. Section 69-1513, R.C.M. 1947, is amended
 8 to read as follows:

9 "69-1513. Review of license rejection. If any person
 10 who has applied for a license under ~~the provisions of~~ this
 11 ~~article chapter~~, and has been rejected, feels aggrieved, he
 12 may at any time after ~~the lapse of~~ ten (10) days, and within
 13 forty-five (45) days after the date of his rejection, in
 14 writing set forth the causes of his grievance and request a
 15 board division review. ~~Such~~ The request ~~must shall~~ be
 16 addressed to the board division and shall be signed by the
 17 rejected applicant. Within ~~two~~ ten (10) days after receiving
 18 ~~such the~~ request, ~~it is the duty of the board--to~~ division
 19 shall notify the applicant in writing that on a certain day,
 20 which shall not be less than ~~five~~ twenty (20) nor more than
 21 ~~thirty--(30)~~ forty-five (45) days after the date the board
 22 division receives ~~said the~~ written request, the committee
 23 division shall review and evaluate the application. The
 24 applicant may appear in person ~~at--said--review--if--he--so~~
 25 desires. At least ~~two~~ ten (10) days before the day set for

1 the review the applicant ~~may shall~~ designate in writing to
 2 the board division the name of an engineer holding a valid
 3 license of equal or higher grade ~~with than~~ the one applied
 4 for, and ~~such the~~ engineer may present himself in behalf of
 5 the applicant upon the day and at the hour fixed for the
 6 review."

7 Section 15. Section 69-1514, R.C.M. 1947, is amended
 8 to read as follows:

9 "69-1514. Board Division decision. ~~After-said~~ If after
 10 the review is completed, ~~and-if-a-majority-of-the--committee~~
 11 the division decides that ~~such the~~ applicant is entitled to
 12 the license he has applied for, the board division shall
 13 without delay issue a license accordingly, ~~but--if--a~~
 14 ~~majority-of-the-committee~~ However, if the division rejects
 15 the applicant, it is a final rejection, and ~~he-must the~~
 16 division shall not be-granted grant another examination ~~for~~
 17 ~~the-space-of-forty-five-(45)~~ within thirty (30) days after
 18 ~~such the~~ last rejection, when ~~he the applicant~~ may again
 19 apply as provided by section 69-1512."

20 Section 16. Section 69-1515, R.C.M. 1947, is amended
 21 to read as follows:

22 "69-1515. Boilers exempted from provisions--duty of
 23 owner of traction engine--notice of purchase of boiler. (1)
 24 This act ~~shall~~ does not apply to boilers under federal
 25 control, except the division shall, if requested, perform

1 courtesy inspections of such boilers. The provisions of
 2 this act requiring inspections, inspection fees, and
 3 certificates shall do not apply to ~~steam-heating~~ boilers
 4 ~~operated-at-not-over-fifteen-(15)-pounds-per-square-inch~~
 5 ~~gauge-pressure-in-private-residences-or-apartments-of-six~~
 6 ~~(6)-or-less-families-or-to-hot-water-heating-or-supply~~
 7 ~~boilers-operated-at-not-over-fifty-(50)-pounds-per-square~~
 8 ~~inch-gauge-pressure-and-temperatures-not-over-two-hundred~~
 9 ~~fifty-degrees-Fahrenheit-(250°-F)-when located in private~~
 10 residences, ~~or-apartments-of-six-(6)-or-less-families.~~ The
 11 provisions of this act requiring licensed operators do not
 12 apply to any hot water boiler of seven hundred fifty
 13 thousand (750,000) BTU input or less. Locomotives, commonly
 14 known as dinky engines, used in operating logging or mining
 15 railroads, or any similar work where such locomotives are
 16 owned, leased or operated by any individual, company, or
 17 corporation and are used in the business of such individual,
 18 company, or corporation, and not for general commercial
 19 purposes, shall be classed as traction engines and be
 20 subject to inspection as are other traction engines, and the
 21 persons operating or firing such dinky locomotives shall be
 22 required to hold traction licenses. ~~No persons~~ A person
 23 operating any of the an engines engine or boilers boiler
 24 hereinbefore exempted exempt from the operation of this
 25 article chapter shall be is not required to procure a

1 license from the board division.

2 (2) Any A person purchasing any a boiler, whether
 3 traction or stationary, ~~shall be~~ is entitled to receive from
 4 the seller the certificates of inspection issued on such the
 5 boiler, and any person purchasing any a boiler, whether
 6 traction or stationary, not exempted by ~~the provisions of~~
 7 this section, shall, within ten (10) days after such
 8 purchase, report the fact of such the purchase to the board
 9 division and shall notify the board division as to where
 10 said the boiler will be installed and operated. ~~Any person~~
 11 ~~falling to comply with the provisions of this section shall~~
 12 ~~be deemed guilty of a misdemeanor.~~ All other boilers and
 13 steam engines, except as herein exempted, come under the
 14 provisions of this ~~article act~~ and persons operating same
 15 are required to hold the proper grade class of license."

16 Section 17. Section 69-1516, R.C.M. 1947, is amended
 17 to read as follows:

18 "69-1516. ~~Certificates must~~ Licenses shall be renewed
 19 yearly--failure to renew. All ~~certificates of license to~~
 20 ~~engineers of all~~ classes of engineer's licenses shall be
 21 renewed yearly, except as herein provided. Any An engineer
 22 failing to renew his license as herein provided, or within
 23 at least thirty (30) days after the date of expiration shall
 24 be assessed the fee for the original license of the same
 25 grade class, before the license will may be reissued. Any

1 engineer failing to renew his license within twelve (12)
 2 months of the date of expiration, ~~must shall~~ reapply for an
 3 engineer's license as required by ~~the-provisions-of~~ section
 4 ~~69-1509 [8 of this act]; provided, however, that~~ however,
 5 any engineer whose license expired while ~~such the~~ engineer
 6 was in the United States military ~~or-naval~~ service ~~of-the~~
 7 ~~United-States-shall-have~~ has ninety (90) days from the time
 8 ~~such the~~ engineer is discharged from ~~such~~ military ~~or-naval~~
 9 service within which to renew his license ~~at--the--renewal~~
 10 ~~fee."~~

11 Section 18. Section 69-1517, R.C.M. 1947, is amended
 12 to read as follows:

13 "69-1517. Operation of ~~boiler--or~~ boilers and steam
 14 engine driven machinery without license. It is unlawful for
 15 any a person in this state to operate a stationary boiler,
 16 or steam engine driven machinery, ~~or-any--boiler--or--steam~~
 17 engine other than ~~engines-and-boilers~~ those exempted by the
 18 ~~provisions-of-section~~ under section 69-1515, without a
 19 license granted under ~~the-provisions-of-this-article~~ this
 20 act. The owner, ~~renter~~ operator, or user of any ~~engine--or~~
 21 boiler or steam driven machinery is equally liable for the
 22 violation of this section. But in case of accident,
 23 sickness, or any unforeseen work prevention ~~of~~ by the
 24 licensed engineer employed by any owner, ~~renter~~ operator, or
 25 user ~~of-an-engine-or-boiler,~~ the owner, ~~renter~~ operator, or

1 user may, for fifteen (15) days, employ any person of the
 2 age of eighteen (18) years or ~~ever-whom~~ older who he may
 3 ~~consider~~ considers competent to run the ~~engine-or~~ boiler, or
 4 steam driven machinery although ~~such the~~ person ~~so~~ employed
 5 ~~may is~~ not be the holder of an engineer's license. he The
 6 person employed shall have reasonable qualifications
 7 acceptable to the board division. The person ~~so~~ employing
 8 the unlicensed engineer operator shall immediately notify
 9 the board division of this action. ~~But-no~~ An owner, ~~renter~~
 10 operator, or user of boilers or steam machinery driven
 11 machinery shall ~~not shall-be-allowed-to-so~~ employ unlicensed
 12 engineers operators for more than fifteen (15) days in any
 13 one (1) calendar year. ~~And--it-shall-be~~ It is unlawful,
 14 except as stated in this section, for any a person, firm, or
 15 corporation to employ any a person not duly licensed as an
 16 engineer, within the meaning of this act, to run or operate
 17 any of the boilers or engines steam driven machinery subject
 18 to the provisions of this act."

19 Section 19. Grandfather clause. A person holding a
 20 valid license may renew it without meeting the requirements
 21 of this act. All applicants for new licenses or lapsed
 22 licenses shall comply with the provisions of this act.

23 SECTION 20. LICENSING OF LOW-PRESSURE BOILERS.
 24 BOILERS REQUIRING A LOW-PRESSURE LICENSED OPERATOR SHALL BE
 25 ATTENDED BY THE LICENSED OPERATOR THROUGH ONE (1) COMPLETE

1 ON-OFF CYCLE, (OR FOR NOT LESS THAN A FIFTEEN (15) MINUTE
2 PERIOD FOR BOILERS USING SOLID FUELS), AT THE BEGINNING OF
3 EACH SHIFT IN OCCUPIED PUBLIC AND INDUSTRIAL BUILDINGS OR
4 OTHER AREAS OF ASSEMBLY, AND THE LICENSED OPERATOR SHALL
5 THEN CHECK THE OPERATION OF THE AUTOMATIC CONTROLS INCLUDING
6 WATER LEVEL, FEED WATER, LOW WATER FUEL CUT-OFF, FUEL TRAIN,
7 ETC. SAFETY OR RELIEF VALVES SHALL BE MANUALLY TESTED AT
8 LEAST ONCE EVERY THIRTY (30) DAYS. BOILERS MANUALLY FIRED
9 WITH SOLID OR GASEOUS FUELS MUST BE ATTENDED BY THE LICENSED
10 OPERATOR AT ALL TIMES THAT THE BOILER IS FIRED.

11 Section 21. Sections 69-1506, 69-1509, 69-1701,
12 69-1702, and 69-1703, R.C.M. 1947, are repealed.

-End-

March 20, 1975

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

AMENDMENTS TO HOUSE BILL NO. 408

That House Bill No. 408, third reading, be amended as follows:

1. Amend page 14, section 8, line 2.
Following: "license"
Insert: ", or shall be otherwise shown to be competent by examination"
2. Amend page 14, section 8, line 12.
Following: "license"
Insert: ", or shall be otherwise shown to be competent by examination"
3. Amend page 14, section 8, line 21.
Following: "license"
Insert: ", or shall be otherwise shown to be competent by examination"
4. Amend page 15, section 8, line 3.
Following: "boilers"
Insert: ", or shall be otherwise shown to be competnet by examination"