

SENATE BILL 437

IN THE SENATE

February 10, 1979

Introduced and referred to
Committee on Labor and
Employment Relations.

April 20, 1979

Died in Committee.

1 Senet BILL NO. 437
2 INTRODUCED BY Down

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT CERTAIN
5 BOILERS WHILE IN SERVICE MUST BE CONSTANTLY ATTENDED BY AN
6 ENGINEER WITH AN APPROPRIATE LICENSE; PLACING RESPONSIBILITY
7 IN THE BOILER OWNER, LESSEE, OR USER; AND PROVIDING A
8 PENALTY FOR VIOLATION; AMENDING SECTIONS 50-74-315 THROUGH
9 50-74-317, MCA."

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

12 Section 1. Section 50-74-315, MCA, is amended to read:

13 "50-74-315. Unlawful to operate boiler or steam engine
14 without license. (1) It is unlawful for any person in this
15 state to operate a stationary boiler or steam engine or any
16 boiler or steam engine other than engines and boilers
17 exempted by the provisions of 50-74-103 without a license
18 granted under the provisions of this chapter. ~~the owner,~~
19 ~~renter or user of any engine or boiler is equally liable~~
20 ~~for the violation of this section.~~

21 (2) A person who operates a boiler or steam engine
22 without first obtaining a license is guilty of a misdemeanor
23 and, upon conviction, shall be fined no less than \$50 or
24 more than \$100 or be imprisoned in the county jail for any
25 term not to exceed 60 days, or both."

1 Section 2. Section 50-74-316, MCA, is amended to read:

2 "~~50-74-316. Unlawful to employ unlicensed operator~~
3 ~~owner responsible for safe operation and proper maintenance.~~
4 ~~it shall be unlawful, except as stated in 50-74-317, for any~~
5 ~~person--firm--or corporation to employ any person not duly~~
6 ~~licensed as an engineer within the meaning of this chapter~~
7 ~~to run or operate any of the boilers or engines (1) The~~
8 ~~owner, lessee, or user of a boiler or engine that is subject~~
9 ~~to the provisions of this chapter must do all things~~
10 ~~reasonably necessary to ensure proper maintenance and safe~~
11 ~~operation of the boiler.~~

12 (2) ~~If the engine or boiler is not equipped with fully~~
13 ~~automatic controls, such owner, lessee, or user shall ensure~~
14 ~~that the boiler when in service is directly attended at all~~
15 ~~times by an engineer with a license of the appropriate~~
16 ~~class, except as provided in 50-74-317.~~

17 (3) ~~A person violating this section is guilty of a~~
18 ~~misdemeanor and shall be fined no less than \$50 or more than~~
19 ~~\$100 or imprisoned in the county jail for a term not to~~
20 ~~exceed 60 days, or both."~~

21 Section 3. Section 50-74-317, MCA, is amended to read:

22 "50-74-317. When unlicensed person may operate. (1) In
23 case of accident, sickness, or any unforeseen prevention of
24 the licensed engineer employed by any with the appropriate
25 class license from being in direct attendance, the owner,

1 renter, or user of an engine or boiler, ~~the owner, renter~~
2 ~~or user~~ may allow a substitute engineer with a license not
3 lower than one class below to attend the engine or boiler
4 for no more than 15 days employ any person of the age of 18
5 years or over whom he may consider competent to run the
6 engine or boiler in any calendar year.

7 ~~(2)~~ ~~Although such person so employed may not be the~~
8 ~~holder of an engineer's license he shall~~ if there is no
9 lower class of license, the substitute must have reasonable
10 qualifications acceptable to the division.

11 ~~(3)~~ ~~(2)~~ ~~The person so employing allowing the unlicensed~~
12 ~~engineer~~ with a lower class license to so attend shall
13 immediately notify the division of such substitution.

14 ~~(4)~~ ~~No owner, renter, or user of boilers or steam~~
15 ~~machinery shall be allowed to so employ unlicensed engineers~~
16 ~~for more than 15 days in any one calendar year."~~

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