

Act No. 167  
Public Acts of 2013  
Approved by the Governor  
November 12, 2013  
Filed with the Secretary of State  
November 13, 2013  
EFFECTIVE DATE: February 12, 2014

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2013**

**Introduced by Reps. Kosowski, Abed, Banks, Barnett, Brown, Brunner, Clemente, Cochran, Cotter, Crawford, Daley, Darany, Denby, Dianda, Driskell, Durhal, Faris, Farrington, Forlini, Franz, Genetski, Glardon, Graves, Greimel, Haugh, Heise, Hobbs, Hooker, Jenkins, Johnson, Kelly, Kesto, Kivela, Knezek, Kowall, Kurtz, Lamonte, Lane, Lauwers, LaVoy, Leonard, Lipton, Lyons, MacGregor, McCann, McCreedy, Nathan, O'Brien, Oakes, Olumba, Outman, Pettalia, Poleski, Rendon, Roberts, Robinson, Santana, Schor, Singh, Slavens, Smiley, Somerville, Switalski, Talabi, Tlaib, VerHeulen, Victory, Yanez and Zorn**

## **ENROLLED HOUSE BILL No. 4752**

AN ACT to amend 1965 PA 290, entitled "An act to regulate the use, construction, installation, and repair of certain boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for certain boilers; to provide for the licensing of certain boiler inspectors, installers, and repairers and registration of certain boiler operators and stationary engineers; to provide for powers and duties for certain state agencies and officers; to provide fees for registrations, licenses, permits, inspections, and certificates; to provide penalties and remedies for the violation of this act; and to repeal acts and parts of acts," by amending sections 2, 4a, and 13d (MCL 408.752, 408.754a, and 408.763d), sections 2 and 4a as amended and section 13d as added by 2008 PA 159.

*The People of the State of Michigan enact:*

Sec. 2. As used in this act:

(a) "Antique steam boiler" means a boiler that is no longer used in production applications and is used to demonstrate the historical significance of steam boilers in American history.

(b) "Approved apprenticeship program" means a training program for boiler operators or stationary engineers that is certified by or meets the standards of the United States department of labor bureau of apprenticeship training and is approved by the board.

(c) "Armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092.

(d) “Associated auxiliaries” means equipment that is required in the operation of a boiler that includes, but is not limited to, pumps, regulators, feedwater heaters, superheaters, de-superheaters, economizers, air preheaters, draft fans, combustion and pollution control equipment, and prime movers.

(e) “Board” means the board of boiler rules created in section 3.

(f) “Boiler” means a closed vessel in which water is heated, steam is generated, or steam is superheated, or a combination of those actions occur, under pressure or vacuum by the application of heat from combustible fuels, electricity, or nuclear energy. Boiler does not include facilities of an integral part of a continuous processing unit but does include a fired unit for heating or vaporizing liquids other than water, if the unit is separate from a processing system and is complete within itself.

(g) “Boiler for agricultural purposes” means a portable boiler used in a field or similar open area for the sole purpose of operating farm equipment or farm machinery.

(h) “Boiler operator” or “stationary engineer” means an individual who is engaged in the operation of boilers and associated auxiliaries.

(i) “Certificate inspection” means an inspection that is conducted for purposes of preparing a report described in section 20. The certificate inspection shall be an internal inspection if construction allows; otherwise the certificate inspection shall be as complete an inspection as possible.

(j) “Department” means the department of licensing and regulatory affairs.

(k) “Director” means the director of the department or a representative designated by the director.

(l) “External inspection” means an inspection that does not involve examination of the internal surfaces of the pressure parts of the boiler.

(m) “Heating surface” means the heating surface determined by the boiler manufacturer and recorded in the manufacturer’s data report or by rules established by the board for a boiler if the manufacturer’s data report is not available or the boiler is not stamped with its heating surface.

(n) “High pressure, high temperature water boiler” means a water heating boiler operating at pressure that exceeds 160 p.s.i.g. or temperatures that exceed 250 degrees Fahrenheit.

(o) “Low pressure boiler” means a steam boiler operated at pressures that do not exceed 15 p.s.i.g., or a hot water heating boiler operated at pressures that do not exceed 160 p.s.i.g. or temperatures that do not exceed 250 degrees Fahrenheit.

(p) “P.S.I.G.” means pounds per square inch gauge.

(q) “Power boiler” means a closed vessel in which steam or other vapor is generated at a pressure of more than 15 p.s.i.g. by the direct application of heat.

(r) “Process boiler” means a boiler that is operated at a pressure or temperature from which more than 10% of the boiler’s capacity is used for direct steam humidification or direct process work.

(s) “Qualified technical education program” means an educational program that is approved by the board and that has a minimum of 350 contact hours in classroom hands-on training, field training, or supervised plant visits for high pressure boiler operators. The board may establish lesser standards for an educational program for low pressure operator training or other entry level training positions only.

(t) “Qualified training program” means any of the following:

(i) An in-house training program approved by the board and offered to boiler operators and stationary engineers by an employer.

(ii) An in-house training program implemented or developed by a utility and offered to boiler operators and stationary engineers by an employer as a result of negotiations between an employer and its employees.

(iii) A training program offered to active duty boiler operators and stationary engineers by a branch of the armed forces.

(u) “Rule” means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(v) “Secondhand boiler” means a boiler that has changed ownership and location after initial use.

Sec. 4a. (1) The department, in consultation with the board, shall promulgate rules to establish the fee schedules for licenses, permits, certificates, registrations, examinations, and inspections under this section. The fees shall reflect the actual costs and expenses for the department in issuing licenses, permits, registrations, examinations, and certificates and in conducting inspections.

(2) The department shall waive the initial license or registration fee required under this section if the applicant is an individual who served in the armed forces and he or she provides to the department a form DD214, form DD215, or

any other form that is satisfactory to the department that demonstrates he or she was separated from that service with an honorable character of service or under honorable conditions (general) character of service.

(3) Beginning July 23, 2004, the department shall issue an initial or renewal license, permit, or registration, not later than 90 days after the applicant files a completed application. The date of receipt of the application is considered the date the application is received by any department or agency of this state. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled from the date of notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the registration, license, or permit and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a registration, license, or permit.

(4) If the department fails to issue or deny a registration, license, or permit within the time required by this section, the department shall return the registration, license, or permit fee and shall reduce the registration, license, or permit fee for the applicant's next renewal application, if any, by 15%. The failure to issue a registration, license, or permit within the time required under this subsection does not allow the department to otherwise delay the processing of the application, and on completion, the department shall place the application in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based on the fact that the registration, license, or permit fee was refunded or discounted under this subsection.

(5) Beginning October 1, 2005, the director shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with occupational issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (3).

(b) The number of applications the department denied.

(c) The number of applicants that were not issued a permit, registration, or license within the 90-day time period described in subsection (3) and the amount of money returned to licensees, permittees, and registrants under that subsection.

(6) To accomplish the objectives of this section and this act, a state boiler inspection fund is created as a restricted fund in the state treasury. The state treasurer is the custodian of the fund and may invest the surplus of the fund. Earnings from those investments shall be credited to the fund. The state treasurer shall notify the director and the legislature of interest credited and the balance of the fund as of September 30 of each year. The director shall supervise and administer the fund. Fees received by the department and money collected under this act shall be deposited in the state boiler inspection fund and shall be appropriated by the legislature for the operations of the boiler division and indirect overhead expenses in the department. Funds that are unexpended at the end of each fiscal year shall not lapse to the general fund and shall be returned to the state boiler inspection fund.

(7) As used in this section, "completed application" means an application that is complete on its face and is submitted with any applicable registration, licensing, or permit fees and with any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of this state.

Sec. 13d. (1) The director shall not issue a registration for a title described in section 13a(2) unless the applicant meets the requirements for the classification under subsections (2) to (6).

(2) An applicant for a low pressure boiler operator registration shall have at least 1 year of experience operating or maintaining low or high pressure boilers, steam prime movers, or associated auxiliaries.

(3) An applicant for a high pressure boiler operator registration shall have 1 or more of the following:

(a) At least 2 years of experience in the operation of a high pressure boiler.

(b) A low pressure boiler operator's registration and at least 1 year of experience in the operation of a low pressure boiler.

(c) At least 1 year of either a qualified training program, a qualified technical education program, or an approved apprenticeship program.

(4) An applicant for a third-class stationary engineer registration shall meet 1 or more of the following requirements:

(a) Is registered as a high pressure boiler operator and have at least 1 year of experience in the operation of a high pressure boiler.

(b) Is registered as a low pressure boiler operator, has at least 1 year of experience in the operation of a low pressure boiler, and has at least 1 year of maintenance experience on high pressure boilers and associated auxiliaries.

(c) Is registered as a high pressure boiler operator and has at least 1 year of boiler maintenance experience or at least 1 year as an apprentice in an approved training program in a high pressure boiler plant that has an aggregate heating surface of more than 4,000 square feet.

(d) Have at least 3 years of experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 4,000 square feet.

(e) Have at least 1 year of experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 4,000 square feet along with sufficient experience operating steam prime movers in excess of 10 horsepower for a combined total of at least 3 years of experience.

(f) Have an associate degree in energy technology or a related field, as determined by the board, with a power engineering option from a 2-year college whose program is approved by the board and employment or cooperative education experience of at least 360 hours as a power engineer, boiler operator, or stationary engineer in a steam electric generation plant or a high pressure steam heating or process plant.

(5) An applicant for a second-class stationary engineer registration shall meet 1 or more of the following requirements:

(a) Is registered as a third-class stationary engineer and has at least 1 year of experience as a third-class stationary engineer.

(b) Have a bachelor's degree in engineering, engineering technology, heating/power technology, or energy technology from a college or university whose program is approved by the board and employment experience as an engineer in the engineering or research division of a steam electric power generating plant for at least 1 year.

(c) Have at least 4 years of experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 7,500 square feet.

(d) Have at least 1 year of experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 7,500 square feet along with sufficient experience operating steam prime movers in excess of 100 horsepower for a combined total of at least 4 years of experience.

(e) Have at least 1 year of experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 7,500 square feet along with sufficient experience operating boilers in a high pressure boiler plant that have an aggregate heating surface of more than 4,000 square feet for a combined total of at least 4 years of experience.

(6) An applicant for a first-class stationary engineer registration shall meet 1 or more of the following requirements:

(a) Is registered as a second-class stationary engineer and has at least 2 years of experience as a second-class stationary engineer.

(b) Have at least 6 years of experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 20,000 square feet.

(c) Have at least 2 years of experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 20,000 square feet along with sufficient experience operating steam prime movers in excess of 200 horsepower for a combined total of at least 6 years of experience.

(d) Have at least 2 years of experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 20,000 square feet along with sufficient experience in the operation of boilers in a high pressure boiler plant that have an aggregate heating surface of more than 7,500 square feet of heating surface for a combined total of at least 6 years of experience.

(e) Complete a 4-year approved apprenticeship program or a 4-year qualified training program.

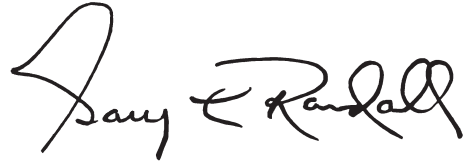
(f) Complete a 4-year program with a bachelor's degree from a college or university in engineering, engineering technology, heating/power technology, or energy technology whose program is approved by the board and which includes a hands-on power option from a 2-year community college program or the equivalent, as determined by the board, and not less than 1 year of employment, internship, or cooperative education experience in a steam electric generation plant or high pressure steam heating process plant.

(7) As used in this section, "experience" includes experience acquired while serving in the armed forces by an individual who was separated from that service, and provides to the department a form DD214, form DD215, or any other form that is satisfactory to the department that demonstrates that he or she was separated from that service, with an honorable character of service or under honorable conditions (general) character of service.

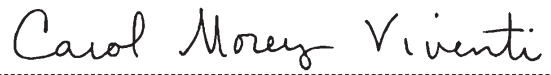
(8) An individual described in subsection (7) shall submit with his or her application for registration an affidavit or letter signed by a commanding officer, supervisor, or military superior with direct knowledge of the applicant's service that describes his or her experience as a boiler operator or stationary engineer in 1 or more of the classifications described in section 13b.

Enacting section 1. This amendatory act takes effect upon the expiration of 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor