

BOILER ACT OF 1965
Act 290 of 1965

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.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 2008, Act 159, Imd. Eff. June 11, 2008.

The People of the State of Michigan enact:

408.751 Boiler act of 1965; short title.

Sec. 1. This act shall be known and may be cited as the “boiler act of 1965”.

History: 1965, Act 290, Eff. July 1, 1966.

Compiler's note: For transfer of powers and duties relating to promulgation of rules by board of boiler rules from the department of labor to the director of the department of consumer and industry services see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

Transfer of powers: See MCL 16.485.

408.752 Definitions.

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.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986;—Am. 2004, Act 103, Imd. Eff. May 20, 2004;—Am. 2008, Act 159, Imd. Eff. June 11, 2008;—Am. 2013, Act 167, Eff. Feb. 12, 2014.

408.753 Board of boiler rules; creation; appointment, qualifications, and terms of members; removal of member; vacancy; election of officers; conducting business at public meeting; notice of meeting; quorum; effectiveness of approval, decision, or ruling; compensation and expenses.

Sec. 3. (1) There is created a board of boiler rules in the department of labor and economic growth. The board, in addition to the director, shall consist of 12 members, 11 of whom shall have substantial experience in the design, erection, fabrication, installation, operation, repair, or inspection of boilers, and 1 of whom shall represent the general public. Members shall be appointed by the governor with the advice and consent of the senate for terms of 4 years each. The governor may remove a member of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the governor shall fill the vacancy for the remainder of the vacated term with a representative of the same interests with which the predecessor was identified. Of the 12 appointed members, 2 shall be representatives of owners and users of boilers within this state, 1 shall represent owners and users of power boilers operating at 1,000 p.s.i.g. or more, 2 shall be representatives of organized labor in the state engaged in the erection, fabrication, installation, operation, or repair of boilers, 1 shall be a representative of water tube boiler manufacturers doing business within this state, 1 shall be a representative of fire tube boiler manufacturers doing business within this state, 1 shall be a representative of a boiler insurance company licensed to do business within this state, 1 shall be a representative of the mechanical contractors within this state having experience in the installation, piping, or operation of boilers, 1 shall be a representative of boiler repair contractors within this state in the business of repairing boilers by welding and riveting, 1 shall be a representative of the consulting engineers within this state having boiler experience, 1 shall be a representative of antique steam boiler owners and operators, and 1 shall be a representative of the general public.

(2) Annually, at the first meeting, the board shall elect a chairperson, vice-chairperson, and secretary. The business which the board of boiler rules may perform shall be conducted at a public meeting of the board of boiler rules held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The board shall meet not less than quarterly or more frequently at the call of the chairperson or 4 members of the board with public notice of the time, date, and place of a meeting given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and 10 days' notification to board members.

(3) Seven members of the board shall constitute a quorum for the transaction of business. An approval, decision, or ruling of the board is not effective unless supported by a majority of the members present.

(4) The per diem compensation of the members of the board, other than the director, and the schedule for reimbursement of expenses, shall be established annually by the legislature.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986;—Am. 2004, Act 103, Imd. Eff. May 20, 2004.

408.754 Promulgation of rules; scope; use of title.

Sec. 4. (1) The department shall promulgate rules for the safe construction, installation, inspection, operation, and repair of boilers in the state.

(2) The rules promulgated for new construction shall be based upon and follow the generally accepted nationwide engineering standards, formulae, and practices established and pertaining to boiler construction and safety. The department, by rule, may adopt an existing published codification, known as the boiler and pressure vessel code of the American society of mechanical engineers, with the amendments and interpretations.

(3) The department shall promulgate rules for the safe inspection and maintenance of boilers that were in use in the state before July 1, 1966. The rules promulgated shall be based upon and follow the generally accepted nationwide engineering standards and may be based upon an existing published codification known as the inspection code of the national board of boiler and pressure vessel inspectors.

(4) A departure from the requirements of this section is permitted in an unusual situation involving a boiler of special design or construction if the board is satisfied that a proposed facility will provide a degree of safety commensurate with the intent of this act.

(5) Upon payment of a fee as prescribed by section 4a and without examination, the board may register an applicant for the use of a title described in section 13a who is a boiler operator or stationary engineer licensed or registered as a boiler operator or stationary engineer in another state, municipality, or country whose requirements for licensure or registration are, at a minimum, substantially equivalent to the requirements of this state for registration as determined by the board, if that other state, municipality, or country extends the same privileges through reciprocity to a boiler operator or stationary engineer registered in this state.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1966, Act 273, Imd. Eff. July 12, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970;—Am. 1976, Act 363, Imd. Eff. Dec. 23, 1976;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 2008, Act 159, Imd. Eff. June 11, 2008.

Administrative rules: R 408.4001 et seq. of the Michigan Administrative Code.

408.754a Rules to establish fee schedules; waiver of fees; filing completed licensing application; issuance of license, permit, or registration within certain time period; report; state boiler inspection fund; “completed application” defined.

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.

History: Add. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986;—Am. 2004, Act 265, Imd. Eff. July 23, 2004;—Am. 2008, Act 159, Imd. Eff. June 11, 2008;—Am. 2013, Act 167, Eff. Feb. 12, 2014.

Administrative rules: R 408.4001 et seq. of the Michigan Administrative Code.

408.755 Nonconforming boilers; special design; special installation and operating permit.

Sec. 5. No boiler which does not conform to the rules and regulations formulated by the board governing new construction and installation shall be installed and operated in this state after July 1, 1966, unless the boiler is of special design or construction, and is not covered by the rules and regulations, nor is in any way inconsistent with such rules and regulations, in which case a special installation and operation permit may at its discretion be granted by the board.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1966, Act 273, Imd. Eff. July 12, 1966.

408.756 Maximum allowable pressure; safety standards; sale or reinstallation.

Sec. 6. (1) The maximum allowable pressure of a boiler carrying the American society of mechanical engineers' code symbol shall be determined by the applicable sections of the code under which it was constructed and stamped.

(2) The maximum allowable pressure of a boiler which does not carry the American society of mechanical engineers' code symbol may be computed in accordance with the inspection code of the national board of boiler and pressure vessel inspectors.

(3) This act shall not be construed as in any way preventing the use, sale or reinstallation of an existing boiler, if it has been made to conform to the rules and regulations of the board governing existing installations, if it has been found upon inspection to be in a safe condition.

History: 1965, Act 290, Eff. July 1, 1966.

408.757 Exemptions.

Sec. 7. This act shall not apply to any of the following:

(a) Boilers under federal control.

(b) Boilers used in the power plants of self-propelled vehicles designed primarily for the transportation of persons or property upon a highway, except vehicles used exclusively upon stationary rails or tracks.

(c) Boilers used solely for agricultural purposes.

(d) Steam or vapor boilers carrying a pressure of not more than 15 p.s.i.g., which are located in a private residence or in an apartment building with a capacity of less than 6 families.

(e) Hot water boilers operated at a pressure not exceeding 160 p.s.i.g. or a temperature not exceeding 250 degrees Fahrenheit that are located in a private residence or in an apartment building with a capacity of less than 6 families.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986;—Am. 2004, Act 265, Imd. Eff. July 23, 2004;—Am. 2008, Act 159, Imd. Eff. June 11, 2008;—Am. 2013, Act 167, Eff. Feb. 12, 2014.

1980;—Am. 2008, Act 159, Imd. Eff. June 11, 2008.

408.757a Antique steam boilers; compliance with rules; inspection; certificate of inspection; exception.

Sec. 7a. (1) Antique steam boilers shall comply with the rules promulgated by the board and shall be inspected once every 3 years. An owner of an antique steam boiler may request an inspection more often than every 3 years. Antique steam boilers used for commercial purposes shall be inspected annually. A certificate of inspection shall be issued by the department of labor and economic growth upon compliance with the applicable rules.

(2) This act does not apply to miniature steam or marine engines used as a hobby.

History: Add. 1969, Act 157, Eff. Oct. 1, 1969;—Am. 1982, Act 176, Imd. Eff. June 9, 1982;—Am. 2004, Act 103, Imd. Eff. May 20, 2004.

408.757b Act inapplicable to certain boilers.

Sec. 7b. This act shall not apply to boilers used on farms for mint processing purposes.

History: Add. 1974, Act 194, Imd. Eff. July 2, 1974.

408.757c Miniature hobby locomotive; annual inspection; report; fee; rules; application and inspection by club; “public display or use” defined.

Sec. 7c. (1) Subject to subsections (2), (3), (4), and (5), this act does not apply to a miniature hobby locomotive operating on narrow gauge tracks less than 24 inches in width.

(2) The department of consumer and industry services shall inspect annually a miniature hobby locomotive operating in a public display or use. The inspection shall be conducted by a deputy inspector or special inspector or by a miniature hobby locomotive club in the manner provided for in subsections (4) and (5). The inspector shall file a copy of the inspection report with the chief inspector and provide a copy of the inspection report to the owner of the miniature hobby locomotive.

(3) The fee for an inspection conducted by a deputy or special inspector is \$15.00. The department of consumer and industry services, upon demonstration that the miniature hobby locomotive boiler complies with the applicable rules governing miniature hobby locomotives, shall issue a certificate of inspection to the owner of that locomotive.

(4) The director shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, regarding the inspection, certification, and adoption by reference or establishment of inspection and certification standards for boilers used on miniature hobby locomotives subject to this section. The rules shall include a procedure for approval and authorization of miniature hobby locomotive clubs to perform inspections and certify boilers used in miniature hobby locomotives.

(5) The board shall approve a miniature hobby locomotive club applying to the board for approval to inspect and certify boilers used in miniature hobby locomotives upon the board's determination that the club complies with and applies the inspection and certification standards established in the rules. After approval and authorization by the board, the miniature hobby locomotive club may inspect boilers and certify to the board that a miniature hobby locomotive complies with the standards contained in the rules.

(6) As used in this section, “public display or use” means display to or use by the general public but not the owner or the owner's family.

History: Add. 1998, Act 503, Imd. Eff. Jan. 5, 1999.

408.758 Chief inspector; appointment, qualifications, and duties.

Sec. 8. (1) The director shall appoint, subject to civil service rules, a resident of this state, who has not less than 10 years' experience in the inspection, construction, maintenance, repair, or operation of high pressure boilers as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector, and who has passed the examination prescribed by section 12, to be chief inspector. Instead of the examination provided for in section 12, the appointee shall hold a license or a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to the standard of this state, or a license as an inspector of boilers issued by the national board of boiler and pressure vessel inspectors.

(2) The chief inspector, if authorized by the director, shall:

(a) Cause the prosecution of all violators of this act.

(b) Issue, suspend, or revoke for cause, inspection certificates, as provided in section 20.

(c) Enforce the laws of the state governing the use of boilers to which this act applies.

(d) Keep a complete record of the type, dimensions, maximum allowable pressure, age, location, and date of the last recorded inspection of all boilers to which this act applies.

(e) Publish and distribute, among manufacturers and others requesting it, a copy of the rules adopted by the

board.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980.

408.759 Deputy inspectors; employment; qualifications.

Sec. 9. The director, subject to civil service rules, shall employ deputy inspectors who shall be responsible to the chief inspector. A deputy inspector shall have had at the time of appointment not less than 5 years' experience in the inspection, construction, maintenance, repair, or operation of high pressure boilers as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector. A deputy inspector shall have passed the examination provided for in section 12. Instead of the examination provided in section 12, a deputy inspector shall hold a license or a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to the standard of this state, or a license as an inspector of boilers issued by the national board of boiler and pressure vessel inspectors.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980.

408.760 Inspectors' bonds; amounts, payment.

Sec. 10. The chief inspector shall furnish a bond in the sum of \$5,000.00 and each of the deputy inspectors, employed and paid by the state, shall furnish a bond in the sum of \$2,000.00, conditioned upon the faithful performance of their duties and upon a true account of moneys handled by them respectively and the payment thereof to the proper recipient. The cost of the bonds shall be paid by the state.

History: 1965, Act 290, Eff. July 1, 1966.

408.761 Special inspectors; qualifications; application for license or examination; filing; fees; license renewal; salary or expenses from state prohibited; continuance of license; inspection of boilers; exemption from inspection fees.

Sec. 11. (1) The director, upon the request of a company authorized to insure against loss from explosion of boilers in this state; a city having an authorized boiler inspection department; or a company operating boilers in this state for which the owner or user maintains a regularly established inspection service which is under the supervision of 1 or more registered professional engineers regularly employed by the owner or user, shall issue to an inspector of the company a license as a special inspector if the inspector before receiving his or her license satisfactorily passes the examination provided for in section 12. Instead of the examination, provided for in section 12, an inspector shall hold a license or a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to the standard of this state, or a license as an inspector of boilers and pressure vessels issued by the national board of boiler and pressure vessel inspectors. A license as a special inspector for an inspector of a company operating boilers in this state shall be issued only if the inspector meets the requirements of this section and is employed full-time by the company and his or her duties include making inspections of boilers used, or to be used, by the company, and not for resale.

(2) An application for a license as an inspector of boilers shall be filed with the department of labor accompanied by a fee prescribed pursuant to section 4a. An application for examination as a special inspector shall be filed with the department of labor and be accompanied by a fee prescribed pursuant to section 4a not less than 30 days before the examination date. This fee shall entitle the applicant to take the examination provided in section 12, twice if necessary, and if successful in passing either examination, to a license. An additional fee prescribed pursuant to section 4a shall accompany each subsequent application. Each license issued to special inspectors shall be renewed annually upon an application accompanied by a fee prescribed pursuant to section 4a.

(3) The special inspectors shall not receive a salary or any expenses from this state. The continuance of a special inspector's license is conditioned upon the inspector continuing in the employ of a boiler insurance company, a city, or a company operating a boiler in this state and upon the inspector maintaining the standards imposed by this act.

(4) The special inspectors shall inspect all boilers insured, operated, or under the jurisdiction of the employer and, when inspected, the owners and users of the boilers shall be exempt from the payment to the department of the inspection fee prescribed pursuant to section 4a.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986.

408.762 Examination for inspectors; content; reexamination; record for inspection.

Sec. 12. The examination for chief, deputy, or special inspectors shall be written. The examination for boiler operators shall be either written or oral. The examination for stationary engineers shall be both written

and oral. The examinations shall be administered by the board, and not less than 2 members of the board shall be present at all times during an examination. Examinations shall be confined to questions that will aid in determining the fitness and competency of the applicant for the intended service, and may be those prepared by the national board of boiler and pressure vessel inspectors. The board may adopt any examination it determines appropriate and may delegate any administrative functions relating to the conduct of the examination. If an applicant for a license fails to pass the examination, the applicant may appeal to the board for another examination which shall be given by the board within 90 days. The record of an applicant's examination shall be accessible to the applicant and the applicant's employer.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 2008, Act 159, Imd. Eff. June 11, 2008.

408.763 Installation or repair of boiler; license required; person licensed under Forbes mechanical contractors act; examination; issuance; fee; renewal; exemption.

Sec. 13. (1) Except as otherwise provided in this act, a person shall not engage in the business of installing boilers or repairing boilers, or both, unless the person has obtained a license under this act from the director.

(2) A person licensed under the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988, in the classification of hydronic heating and cooling and process piping may install, repair, alter, and remove a residential boiler installed in a residence exempt from this act under section 7 without obtaining a license under this act.

(3) The board may conduct an examination for a license to establish the competency of an applicant.

(4) A license shall be issued by the director upon recommendation of the board and upon payment of a fee prescribed pursuant to section 4a for each application.

(5) A license shall be renewed annually upon payment of a fee prescribed pursuant to section 4a.

(6) An individual in the employ of a licensee is not required to be licensed.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1966, Act 273, Imd. Eff. July 12, 1966;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986;—Am. 2008, Act 518, Imd. Eff. Jan. 13, 2009.

408.763a Operation of boiler and auxiliaries without registration; use of certain terms by individual or business entity; registration requirements.

Sec. 13a. (1) An individual may operate a boiler and associated auxiliaries without obtaining a registration under this act.

(2) An individual or business entity shall not use the terms "registered boiler operator", "certified boiler operator", "registered stationary engineer", "certified stationary engineer", "low pressure registered boiler operator", "low pressure certified boiler operator", "high pressure registered boiler operator", "high pressure certified boiler operator", "third-class registered stationary engineer", "third-class certified stationary engineer", "second-class registered stationary engineer", "second-class certified stationary engineer", "first-class registered stationary engineer", "first-class certified stationary engineer", or any other name, style, or description that indicates that the individual or an individual employed by the business entity is registered under this act unless the individual has been issued a registration under this act.

(3) The individual participating in an approved apprenticeship program, a qualified technical training program, or a qualified training program may use the title "apprentice certified boiler operator" or "apprentice certified stationary engineer".

(4) An individual registered under this act shall only use 1 of the titles described in subsection (2) or the abbreviation "R.B.O.", "C.B.O.", "R.S.E.", or "C.S.E.".

(5) A person applying for a registration under this act shall be not less than 18 years of age, shall possess the physical and mental capacities to perform his or her duties in a competent and safe manner, and shall meet the applicable requirements of section 13d. An applicant shall use a form provided by the director.

(6) The director shall issue a registration upon recommendation of the board and upon the applicant's payment of an examination and registration fee as provided for in rules of the department as prescribed in section 4a for each application. A registration shall be renewed annually upon payment of a fee prescribed pursuant to section 4a.

(7) Not later than 1 year after the effective date of the amendatory act that added this section, the board shall recommend for registration without examination an applicant who submits evidence satisfactory to the board of 1 or more of the following:

(a) The applicant has had not less than 5 years of experience in the class or category of boiler operator or stationary engineer for which the applicant is applying.

(b) The applicant possesses a license as a boiler operator or stationary engineer from the cities of Detroit or Dearborn in a class for which the applicant is applying.

(c) The applicant has successfully completed a 4-year approved apprenticeship program, a qualified

technical education program, or a qualified training program in the class or category for which the applicant is applying.

History: Add. 2008, Act 159, Imd. Eff. June 11, 2008.

408.763b Boiler operator and stationary engineer registrations; classification.

Sec. 13b. Boiler operator and stationary engineer registrations are classified as follows:

- (a) Low pressure boiler operator, who operates low pressure boiler plants having an aggregate of not more than 4,000 square feet of boiler heating surface.
- (b) High pressure boiler operator, who operates boiler plants having an aggregate of not more than 4,000 square feet of boiler heating surface or not more than 10 steam engine-turbine horsepower.
- (c) Third-class stationary engineer, who operates boiler plants having an aggregate of not more than 7,500 square feet of boiler heating surface or not more than 100 steam engine-turbine horsepower.
- (d) Second-class stationary engineer, who operates boiler plants having an aggregate of not more than 20,000 square feet of boiler heating surface or not more than 200 steam engine-turbine horsepower.
- (e) First-class stationary engineer, who operates boiler plants having an aggregate of 20,000 square feet or more of boiler heating surface or 200 steam engine-turbine horsepower or more.

History: Add. 2008, Act 159, Imd. Eff. June 11, 2008.

408.763c Qualified technical education programs; course content; rules.

Sec. 13c. (1) Not later than 180 days after June 11, 2008, the department of energy, labor, and economic growth shall promulgate rules designating the course content for qualified technical education programs for the various categories and classes of registration of boiler operators and stationary engineers.

(2) The rules described in subsection (1) shall provide that the course content of qualified technical education programs for entry level registrants include at least all of the following subject matter areas:

- (a) Basic functions, construction, and operation of all types of boilers.
- (b) The function of boiler appliances, accessories, and associated auxiliaries.
- (c) Materials used in boilers and the effect of temperature extremes on those materials.
- (d) The fuels used in boilers and fundamentals of combustion.
- (e) Basic electricity.
- (f) Plant operation and boiler maintenance.
- (g) Instrumentation and controls.
- (h) Fundamental mathematics and principles of the metric system.
- (i) General safety procedures.
- (j) Recognition of dangerous operation conditions.

(3) The department of energy, labor, and economic growth shall provide that the course content for categories and classes other than entry level registrants includes subject matter similar to those described in subsection (2) in the degree of depth and difficulty appropriate for the category and class.

History: Add. 2008, Act 159, Imd. Eff. June 11, 2008;—Am. 2009, Act 40, Imd. Eff. June 18, 2009.

408.763d Registration requirements; qualifications; "experience" defined; affidavit or letter signed by commanding officer, supervisor, or military superior.

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.

History: Add. 2008, Act 159, Imd. Eff. June 11, 2008;—Am. 2013, Act 167, Eff. Feb. 12, 2014.

408.764 License or registration suspensions; notice; appeal; revocation; hearing; reinstatement.

Sec. 14. (1) The chief inspector may suspend the license of an inspector, repairer, or installer or the registration of a boiler operator or stationary engineer due to the incompetence of the registrant or licensee or due to willful falsification of a matter or statement contained in that registrant's or licensee's application or in a report of inspection made by the registrant or licensee. Written notice of the suspension shall be given by the chief inspector within 10 days after the suspension to the registrant or licensee, the registrant's or licensee's employer, and the board. A person whose registration or license has been suspended may appeal to the board as provided in section 22 and be present in person and be represented by counsel at the hearing of the appeal.

(2) If the board has reason to believe that a registrant or licensee is no longer qualified to hold his or her registration or license, the board, upon not less than 10 days' written notice to the registrant or licensee and the registrant's or licensee's employer, shall hold an administrative hearing at which the registrant or licensee and his or her employer shall have an opportunity to be heard. If, as a result of the hearing, the board finds that the registrant or licensee is no longer qualified to hold his or her registration or license, the board shall recommend to the director that the registration or license be revoked, and the director shall immediately revoke the registration or license.

(3) A person whose registration or license has been suspended may apply, after 90 days from the date of the suspension, for reinstatement of the registration or license.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 2008, Act 159, Imd. Eff. June 11, 2008.

408.765 License lost or destroyed; reissuance, fee.

Sec. 15. If a license is lost or destroyed, a new license shall, upon application and payment of a fee of \$5.00, be issued in its place without another examination.

History: 1965, Act 290, Eff. July 1, 1966.

408.766 Repealed. 1966, Act 273, Imd. Eff. July 12, 1966.

Compiler's note: The repealed section required permits for installation or alteration of boilers and prescribed fees.

408.767 Installation or alteration of boiler; permit required; issuance; fee.

Sec. 17. A person shall not install or alter a boiler without first securing a permit to install or alter a boiler from the boiler division of the department of labor. A permit shall be issued only to a person licensed as provided in this act. Work shall not be performed except by or under the immediate supervision of a person licensed under this act. A permit fee prescribed pursuant to section 4a shall be paid directly to the department of labor and shall accompany an application for a permit to install or alter a boiler. A permit fee is not required for a boiler exempt from inspection as provided by section 7.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1966, Act 273, Imd. Eff. July 12, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986.

408.768 Repair of boiler; permit required; exceptions; issuance; fee.

Sec. 18. A person shall not repair a boiler without first securing a permit to repair the boiler from the boiler division of the department of labor, unless the repair has been authorized by a licensed inspector pending issuance of the permit, or the repair is emergency maintenance performed by qualified welders regularly employed by a firm that utilizes properly qualified welding procedures to weld on boilers owned and operated by the firm. A permit shall be issued only to a person licensed to repair boilers under this act. Work shall not be performed except by or under the immediate supervision of a licensed person. A permit fee prescribed pursuant to section 4a shall be paid directly to the department of labor and shall accompany an application for a permit to repair. A fee for a permit to repair is not required from a firm that utilizes properly qualified welding procedures and regularly employs qualified welders, registered with the boiler division of the department of labor, to weld on boilers owned and operated by the firm.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986.

408.769 Access to premises; inspection of boiler; hydrostatic test.

Sec. 19. (1) The director, the chief inspector, or a deputy inspector shall have free access, during reasonable hours, to premises in the state where a boiler is being constructed, installed, repaired, or operated, for the purpose of determining whether the boiler is in accordance with this act.

(2) Each boiler used or proposed to be used in this state shall be thoroughly inspected as to the boiler's construction, installation, and condition as follows:

(a) Power boilers, process boilers, and high pressure high temperature water boilers shall receive a certificate inspection annually and shall be externally inspected annually, while under pressure, within 6 months from the date of the certificate inspection.

(b) Low pressure steam or vapor heating boilers, hot water heating boilers, and hot water supply boilers shall receive a certificate inspection biennially.

(c) A grace period of 2 months beyond the periods in subdivisions (a) and (b) may elapse between certificate inspections and the board may permit longer periods between certificate inspections.

(3) The inspection shall be made by the chief inspector, a deputy inspector, or by a special inspector.

(4) If a hydrostatic test is considered necessary by the inspector, the test shall be made by the boiler owner or user.

(5) A boiler, other than a cast iron sectional boiler, that is to be installed in this state shall be inspected during construction, as required by the applicable rules of the board, by an inspector licensed to inspect boilers in this state. If the boiler was constructed outside of the state, the boiler shall have been inspected by an inspector holding a license as an inspector of boilers for a state that has a standard of examination substantially equal to that of this state or a license issued by the national board of boiler and pressure vessel inspectors.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1966, Act 273, Imd. Eff. July 12, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980.

408.770 Inspection report; filing; forms; fee; issuance, contents, validity, posting, and suspension of inspection certificate.

Sec. 20. (1) The chief inspector, a deputy inspector, and a company or city that employs special inspectors, within 30 days following each boiler certificate inspection required by this act, shall file a report of the inspection with the chief inspector upon appropriate forms approved by the board. The forms may be the forms recommended by the national board of boiler and pressure vessel inspectors. A report of an external inspection is not required except when an external inspection discloses that a boiler is in a dangerous condition.

(2) If the report filed pursuant to subsection (1) shows that a boiler complies with the rules of the board, the owner or user of the boiler shall pay a fee prescribed pursuant to section 4a directly to the department of labor. The department of labor shall issue to that owner or user of a boiler an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler may be operated. The inspection certificate shall be valid for not more than 12 months in the case of power boilers, except that the certificate shall be valid during a grace period as provided in section 19. An inspection certificate shall be valid for not more than 24 months for low pressure steam or vapor heating boilers, hot water heating boilers, or hot water supply boilers, except that the certificate shall be valid during a grace period as provided in section 19. A certificate shall be posted under glass in the room containing the boiler inspected. If the boiler is not located within the building, the certificate shall be posted in a location convenient to the boiler inspected or in a place that is accessible to interested parties.

(3) An inspection certificate issued for an insured boiler by a special inspector shall not be valid after the boiler for which the certificate was issued ceases to be insured by a company authorized by this state to carry the insurance, if the insurance was terminated because of an unsafe condition or a violation of a rule of the board.

(4) The chief inspector may suspend an inspection certificate when, in his or her opinion, the boiler for which the certificate was issued cannot be operated without harm to the public safety, or when the boiler is found not to comply with the rules promulgated under this act. A suspension of an inspection certificate shall continue in effect until the boiler conforms to the rules of the board and the inspection certificate has been reinstated.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986.

Administrative rules: R 408.4001 et seq. of the Michigan Administrative Code.

408.771 Repealed. 1986, Act 277, Imd. Eff. Dec. 19, 1986.

Compiler's note: The repealed section pertained to fees.

408.772 Appeal to board.

Sec. 22. A person who is aggrieved by an order or act of the director or the chief inspector within 15 days'

notice after the order or act, may appeal the order or act to the board. The board, within 30 days, shall issue an appropriate order either approving or disapproving the order or act. A copy of the order of the board shall be given to all interested parties.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1980, Act 274, Imd. Eff. Oct. 8, 1980.

408.773 Inapplicability of act; construction of act as to repairs in public utilities and industrial plants.

Sec. 23. The provisions of this act shall not be applicable to or in any city having a population of 1,000,000 or more.

Nothing in this act shall be construed to require a license or permit to repair boilers located in public utilities or industrial plants which repair and maintain their own boilers in accordance with accepted procedures and practices; or to require a license to replace a boiler with a similar unit in such public utilities or industrial plants.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1966, Act 273, Imd. Eff. July 12, 1966.

408.774 Unlawful operation of boilers; violation; penalty.

Sec. 24. (1) An individual, or other person, shall not operate a boiler without a valid inspection certificate. The operation of a boiler without a valid inspection certificate or at a pressure exceeding that specified in the inspection certificate is a misdemeanor on the part of the owner, user, or operator punishable by imprisonment for not more than 60 days, or by a fine of not more than \$500.00, or both. Each day of the unlawful operation is a separate offense.

(2) A person using a title described in section 13a(2) without a registration issued under this act is guilty of a misdemeanor punishable by imprisonment for not more than 60 days, a fine of not more than \$2,000.00, or both.

(3) A business entity using or advertising the use of an individual having a title described in section 13a(2), if that individual is not registered under this act, is guilty of a misdemeanor punishable by imprisonment for not more than 60 days, a fine of not more than \$2,000.00, or both.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1966, Act 273, Imd. Eff. July 12, 1966;—Am. 2008, Act 159, Imd. Eff. June 11, 2008.

408.775 Unlawful installation or repair; penalty; exception.

Sec. 25. It shall be unlawful for any person, firm, partnership or corporation to install or repair in this state, a boiler without a valid license to install or repair. The installation or repair of boilers without a valid license is a misdemeanor on the part of the installer or repairer. The provisions of this section shall not apply to the repair or replacement of boilers exempted from the license and permit provisions of this act by section 23.

History: 1965, Act 290, Eff. July 1, 1966;—Am. 1970, Act 103, Imd. Eff. July 23, 1970.

408.776 Effective date of act.

Sec. 26. This act shall take effect July 1, 1966.

History: 1965, Act 290, Eff. July 1, 1966.