

HOUSE BILL NO. 230

INTRODUCED BY W. PRICE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BOILER INSPECTION ~~AND BOILER ENGINEER~~
~~LICENSING REQUIREMENTS; AND AMENDING SECTIONS 50-74-101, 50-74-103, 50-74-209; AND~~
~~50-74-219, AND 50-74-303, MCA."~~

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

~~Section 1.~~ Section 50-74-101, MCA, is amended to read:

~~"50-74-101. Definition Definitions -- department to formulate rules.~~ (1) As used in this chapter,
the term "department" means the department of commerce. ~~following definitions apply:~~

~~(a) "Boiler" means equipment that bears a code symbol stamp denoting that the equipment has~~
~~been constructed to the standards of the American society of mechanical engineers for the construction~~
~~of boilers, that is otherwise listed and manufactured as a boiler, or that has been issued a special~~
~~installation and operating permit as provided in 50-74-102.~~

~~(b) "Department" means the department of commerce.~~

~~(2) The department shall adopt definitions and rules for the safe construction, installation,~~
~~operation, inspection, and repair of equipment covered by this chapter. The definitions and rules must~~
~~follow generally accepted nationwide engineering standards as published by the American society of~~
~~mechanical engineers."~~

~~Section 2.~~ Section 50-74-103, MCA, is amended to read:

~~"50-74-103. Boilers exempted.~~ (1) This chapter shall ~~does not~~ apply to boilers under federal
control.

~~(2) The provisions of this chapter requiring inspections, inspection fees, and certificates shall do~~
~~not apply to steam heating boilers operated at not over 15 pounds per square inch gauge pressure in~~
~~private residences or apartments of six or less families or to hot water heating or supply boilers operated~~
~~at not over 50 pounds per square inch gauge pressure and at temperatures not over 250 degrees F when~~
~~in private residences or apartments of six or less families.~~



1 ~~——— (3) No persons A person operating any of the engines or boilers exempted from the operation of~~
 2 ~~this chapter shall may not be required to procure a license from the department.~~

3 ~~——— (4) A license is not required for a hot water heating or supply boiler operated at not over 50~~
 4 ~~pounds per square inch gauge pressure and at temperatures not over 250 degrees F."~~

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6 **Section 1.** Section 50-74-209, MCA, is amended to read:

7 **"50-74-209. Required inspection intervals -- failure to comply with safety standards.** (1) (a) All
 8 manually fired boilers and all boilers AND BANKS OF BOILERS rated with an A TOTAL input of 400,000 Btu an
 9 hour or greater must be inspected at least once each year.

10 (b) All automatically fired boilers rated with an input of less than 400,000 Btu an hour must be
 11 inspected at least once in every year 2 years, EXCEPT THAT AN AUTOMATICALLY FIRED BOILER IN A SCHOOL,
 12 DAYCARE CENTER, HOSPITAL, REST HOME, RETIREMENT CENTER, OR PLACE OF ASSEMBLY WITH A CAPACITY FOR MORE
 13 THAN 100 PERSONS MUST BE INSPECTED ONCE A YEAR ~~except boilers exempt under provisions of 50-74-103.~~

14 (c) Boilers exempt under the provisions of 50-74-103 do not require inspections.

15 (d) Upon written application, longer inspection intervals may be authorized by the department.

16 (2) In addition to the ~~annual~~ inspection required by subsection (1), it is the duty of ~~the inspectors~~
 17 each inspector to examine at proper times, when in ~~their~~ the inspector's opinion ~~such an~~ an examination is
 18 necessary, all ~~such~~ such boilers ~~as shall~~ that have become unsafe from any cause and to notify the owner or
 19 the person using ~~such~~ the boilers of any defect and what repairs are necessary to render them safe.

20 (3) If a boiler is found, upon inspection, to violate safety standards set forth in rules referred to
 21 in 50-74-101, the department shall order the owner of the boiler to comply with the standards ~~within 6~~
 22 months. An owner who negligently or knowingly fails to comply with an order ~~within the 6-month period~~
 23 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 or more than
 24 \$100, imprisonment for not more than 60 days in a county detention center, or both."

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26 **Section 2.** Section 50-74-219, MCA, is amended to read:

27 **"50-74-219. Fee for inspection.** (1) Whenever a department inspector inspects a boiler, a fee must
 28 be charged and collected by the department prior to issuance of ~~an inspection~~ a boiler operating certificate
 29 in accordance with the following schedule:

30 (a) operating certificate, \$26;

- 1 (b) internal inspection, \$75;
 2 (c) external inspection:
 3 (i) hot water heating and supply, \$30;
 4 (ii) steam heating, \$40; and
 5 (iii) power boiler, \$55; and
 6 (d) special inspection, \$50 ~~per an~~ hour plus expenses.

7 (2) If two or more boilers in the same room are inspected at the same time, the total fee imposed
 8 for all boilers must be the fee for inspection of one boiler, and the fee is the amount for the type of boiler
 9 with the highest fee.

10 ~~(2)(3)~~ Fees collected under this section must be deposited in a department state special revenue
 11 account for administration of the boiler inspection program."

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13 ~~Section 5.~~ Section 50-74-303, MCA, is amended to read:

14 ~~"50-74-303. Engineer's license classifications. (1) Engineers entrusted with the operation, care,~~
 15 ~~and management of steam or water boilers and steam machinery, as specified in 50-74-302, are divided~~
 16 ~~into five classes, namely: first-class engineers, second-class engineers, third-class engineers,~~
 17 ~~agricultural-class engineers, and low-pressure engineers.~~

18 ~~(2) Licenses for the operation of steam or water boilers and steam machinery are divided into five~~
 19 ~~classifications in accordance with the following schedule:~~

20 ~~(a) First-class engineers are licensed to operate all classes, pressures, and temperatures of steam~~
 21 ~~and water boilers and steam-driven machinery with the exception of traction and hoisting engines.~~

22 ~~(b) Second-class engineers are licensed to operate steam boilers operating not in excess of 250~~
 23 ~~pounds per square inch gauge saturated steam pressure, water boilers operating not in excess of 375~~
 24 ~~pounds per square inch gauge pressure and 450 degrees F temperature, and steam-driven machinery not~~
 25 ~~to exceed 100 horsepower per unit, with the exception of traction and hoisting engines.~~

26 ~~(c) Third-class engineers are licensed to operate steam boilers operating not in excess of 100~~
 27 ~~pounds per square inch gauge saturated steam pressure and water boilers operating not in excess of 160~~
 28 ~~pounds per square inch gauge pressure and 350 degrees F temperature.~~

29 ~~(d) Agricultural-class engineers are licensed to operate steam boilers that operate not in excess~~
 30 ~~of 150 pounds per square inch saturated steam pressure and that:~~

