

1 SENATE BILL NO. 396

2 INTRODUCED BY B. HOVEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS APPLYING TO BOILERS;
5 CREATING A LICENSE FOR A LIMITED LOW-PRESSURE ENGINEER LICENSE; CREATING LICENSE
6 REQUIREMENTS; ALLOWING THE DEPARTMENT OF LABOR AND INDUSTRY TO ASSESS FEES FOR
7 LICENSING; PROVIDING INSPECTION REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY TO THE
8 DEPARTMENT OF LABOR AND INDUSTRY TO MAKE RULES PERTAINING TO LICENSURE AND
9 LICENSURE FEES; AMENDING SECTIONS 50-74-303 AND 50-74-304, MCA; AND REPEALING SECTIONS
10 50-74-203 AND 50-74-219, MCA."

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

13
14 **NEW SECTION. Section 1. Qualifications of boiler inspectors -- fees for inspections.** (1) A
15 person employed by the department to enter premises and inspect boilers or machinery subject to this chapter
16 must:

17 (a) have 5 years of actual experience in the operation or inspection of boilers or steam-driven
18 equipment; and

19 (b) hold or possess the necessary qualifications to obtain either a stationary engineer's license or a
20 commission issued by the national board of boiler and pressure vessel inspection code.

21 (2) The department shall establish a schedule of fees and may collect fees for the inspection of
22 boilers prior to the issuance of a boiler operating certificate. The fees must be commensurate with the cost of
23 the inspections and with appropriations for other purposes.

24
25 **Section 2.** Section 50-74-303, MCA, is amended to read:

26 **"50-74-303. Engineer's license classifications.** (1) Engineers entrusted with the operation, care,
27 and management of steam or water boilers and steam machinery, as specified in 50-74-302, are divided into
28 ~~five~~ six classes, including first-class engineers, second-class engineers, third-class engineers, agricultural-class

1 engineers, ~~and low-pressure engineers,~~ and limited low-pressure engineers.

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

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

6 (b) Second-class engineers are licensed to operate steam boilers operating not in excess of 250
7 pounds per square inch gauge saturated steam pressure, water boilers operating not in excess of 375 pounds
8 per square inch gauge pressure and 450 degrees F temperature, and steam-driven machinery not to exceed
9 100 horsepower per unit, with the exception of traction and hoisting engines.

10 (c) Third-class engineers are licensed to operate steam boilers operating not in excess of 150 pounds
11 per square inch gauge saturated steam pressure ~~and or~~ not in excess of 150 horsepower per hour and water
12 boilers operating not in excess of 160 pounds per square inch gauge pressure and 350 degrees F temperature.

13 (d) Agricultural-class engineers are licensed to operate steam boilers that operate not in excess of
14 150 pounds per square inch saturated steam pressure and that:

15 (i) are not operated for more than 6 months of the year; and

16 (ii) are not operated for purposes other than the harvesting or processing of agricultural products.

17 (e) Low-pressure engineers are licensed to operate steam boilers operating not in excess of 15
18 pounds per square inch gauge pressure and water boilers operating not in excess of 50 pounds per square inch
19 gauge pressure and 250 degrees F temperature.

20 (f) Limited low-pressure engineers are licensed to operate hot water heating boilers not in excess of
21 30 pounds per square inch gauge pressure and 210 degrees F temperature and hot water supply boilers not in
22 excess of 160 pounds per square inch gauge pressure and 210 degrees F temperature."

23

24 **Section 3.** Section 50-74-304, MCA, is amended to read:

25 **"50-74-304. Requirements for engineer's license.** Each applicant for an engineer's license must be
26 physically and mentally capable of performing the required duties and must meet the following minimum
27 requirements for the class of engineer's license for which application is being made:

28 (1) Except as provided in subsection (8), an applicant for a limited low-pressure engineer's license

1 must be 18 years of age or older, must have 2 months' full-time experience in the operation of a boiler in this
 2 classification under an engineer who holds a valid limited low-pressure or higher license, is required to
 3 successfully pass a written examination prescribed by the department, and must be found competent to operate
 4 a boiler in this classification by the department.

5 ~~(4)~~(2) Except as provided in subsection ~~(6)~~(7), an applicant for a low-pressure engineer's license
 6 must be 18 years of age or older, must have at least 3 months' full-time experience in the operation of a boiler
 7 in this classification under an engineer who holds a valid low-pressure or higher license, is required to
 8 successfully pass a written examination prescribed by the department, and must be found competent to operate
 9 a boiler in this classification by the department.

10 ~~(2)~~(3) Except as provided in subsection ~~(6)~~(7), an applicant for an agricultural-class engineer's
 11 license must be 18 years of age or older, is required to successfully pass a written examination prescribed by
 12 the department, and must be found competent to operate a boiler in this classification by the department.

13 ~~(3)~~(4) Except as provided in subsection ~~(6)~~(7), an applicant for a third-class engineer's license must
 14 be 18 years of age or older, must have at least 6 months' full-time experience in the operation of a boiler in this
 15 classification under an engineer holding a valid third-class or higher license, is required to successfully pass a
 16 written examination prescribed by the department, and must be found competent to operate a boiler in this
 17 classification by the department.

18 ~~(4)~~(5) An applicant for a second-class engineer's license must be 18 years of age or older and:

19 (a) must have at least 2 years' full-time experience in the operation of a boiler and steam-driven
 20 machinery in this classification under an engineer holding a valid second-class or first-class license, is required
 21 to successfully pass a written examination prescribed by the department, and must be found competent to
 22 operate a boiler and steam-driven machinery in this classification by the department; or

23 (b) must hold a valid third-class engineer's license, must have at least 1 year's full-time experience in
 24 the operation of a boiler and steam-driven machinery in this classification under an engineer holding a valid
 25 second-class or first-class license, is required to successfully pass a written examination prescribed by the
 26 department, and must be found competent to operate a boiler and steam-driven machinery in this classification
 27 by the department.

28 ~~(5)~~(6) An applicant for a first-class engineer's license must be 18 years of age or older and:

1 (a) must have at least 3 years' full-time experience in the operation of a boiler and steam-driven
 2 machinery in this classification under an engineer holding a valid first-class license, is required to successfully
 3 pass a written examination prescribed by the department, and must be found competent to operate a boiler and
 4 steam-driven machinery in this classification by the department;

5 (b) must hold a valid second-class engineer's license, must have at least 1 year's full-time experience
 6 in the operation of a boiler and steam-driven machinery in this classification under an engineer holding a valid
 7 first-class license, is required to successfully pass a written examination prescribed by the department, and
 8 must be found competent to operate a boiler and steam-driven machinery in this classification by the
 9 department; or

10 (c) must hold a valid third-class engineer's license, must have at least 2 year's full-time experience in
 11 the operation of a boiler and steam-driven machinery in this classification under an engineer holding a valid
 12 first-class license, is required to successfully pass a written examination prescribed by the department, and
 13 must be found competent to operate a boiler and steam-driven machinery in this classification by the
 14 department.

15 ~~(6)(7)~~ As an alternative to the requirements of subsections ~~(1)(2)~~ through ~~(3)(4)~~, an applicant who is
 16 18 years of age or older may apply for and be issued a license for any of the three classes of licenses provided
 17 for in subsections ~~(1)(2)~~ through ~~(3)(4)~~ if:

18 (a) the applicant completes a training course acceptable to the department that is specific to the class
 19 of boiler license sought by the applicant and successfully passes a written examination administered by the
 20 department that is specific to the class of boiler license sought by the applicant; and

21 (b) an engineer with a license at least equal to the class of boiler license sought by the applicant
 22 informs the department that the applicant has worked with the type of boiler for which a license is sought under
 23 the engineer's supervision for a minimum of 40 hours and that the applicant is competent to operate a boiler of
 24 the class for which licensure is sought by the applicant.

25 (8) As an alternative to the requirements of subsection (1), an applicant who is 18 years of age or
 26 older may apply for and be issued a limited low-pressure license provided for in subsection (1) if:

27 (a) the applicant completes a 6-hour training course acceptable to the department that is specific to a
 28 limited low-pressure license sought by the applicant; and

1 **(b) an engineer with a license at least equal to the class of license sought by the applicant informs the**
2 **department that the applicant has worked with the type of boiler for which a license is sought under the**
3 **engineer's supervision for a minimum of 8 hours and that the applicant is competent to operate a boiler of the**
4 **class for which licensure is sought by the applicant.**"

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6 **NEW SECTION. Section 4. Repealer.** The following sections of the Montana Code Annotated are
7 repealed:

8 50-74-203. Qualifications of boiler inspectors.

9 50-74-219. Fee for inspection.

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11 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an
12 integral part of Title 50, chapter 74, and the provisions of Title 50, chapter 74, apply to [section 1].

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