

CHAPTER 309—S.F.No. 3140

An act relating to boiler operations; making changes to licensing procedures; authorizing rulemaking; amending Minnesota Statutes 2006, sections 183.411, subdivision 3; 183.545, subdivision 4; Minnesota Statutes 2007 Supplement, sections 183.501; 183.51.

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

Section 1. Minnesota Statutes 2006, section 183.411, subdivision 3, is amended to read:

Subd. 3. **Licenses.** A license to operate steam farm traction engines, portable and stationary show engines, and portable and stationary show boilers shall be issued to an applicant who:

(1) is ~~18~~ 16 years of age or older;

(2) has a licensed second class grade A or higher class engineer or steam traction (hobby) engineer sign ~~the~~ an affidavit attesting to the applicant's competence in operating ~~said~~ these devices and that the applicant has demonstrated the ability to perform each task on the list, approved by the chief boiler inspector, of tasks associated with the operation of the devices;

(3) has at least 50 hours of operating experience on the devices, eight hours of which must be operating the boiler under load, and up to 16 hours of which may be satisfied by attendance at a school of instruction in operating the devices;

~~(4) passes a written test for competence in operating said the devices; and~~

~~(4) has at least 25 hours of actual operating experience on said devices, and~~

(5) pays the required fee.

A license ~~shall be~~ is valid for the lifetime of the licensee unless revoked for cause. A onetime fee pursuant to section 183.545, subdivision 4, shall be charged for the license.

Sec. 2. Minnesota Statutes 2007 Supplement, section 183.501, is amended to read:

183.501 LICENSE REQUIREMENT.

(a) ~~No individual shall be entrusted with the operation of or~~ To operate any a boiler, steam engine, or turbine who has not an individual must have received a license of for the grade covering that boiler, steam engine or turbine. The license shall must be renewed annually, except as provided in section 183.411 and except for provisional licenses described in paragraphs (d) to (g).

(b) For purposes of this chapter, "operation" ~~shall~~ does not include monitoring of an automatic boiler, either through on premises inspection of the boiler or by remote electronic surveillance, provided that no operations are performed upon the boiler other than emergency shut down in alarm situations.

~~(c) No individual under the influence of illegal drugs or alcohol shall be entrusted with the operation of or shall~~ may operate any a boiler, steam engine, or turbine; or shall be entrusted with the monitoring of or shall monitor an automatic boiler.

(d) The commissioner may issue a provisional license to allow an employee of a high pressure boiler plant to operate boilers greater than 500 horsepower at only that boiler plant if:

(1) the boiler plant has a designated chief engineer in accordance with Minnesota Rules, part 5225.0410;

(2) the boiler plant employee holds a valid license as a second-class engineer, Grade A or B;

(3) the chief engineer in charge of the boiler plant submits an application to the commissioner on a form prescribed by the commissioner to elicit information on whether the requirements of this paragraph have been met;

(4) the chief engineer in charge of the boiler plant and an authorized representative of the owner of the boiler plant both sign the application for the provisional license;

(5) the owner of the boiler plant has a documented training program with examination for boilers and equipment at the boiler plant to train and test the boiler plant employee; and

(6) if the application were to be granted, the total number of provisional licenses for employees of the boiler plant would not exceed the total number of properly licensed first-class engineers and chief engineers responsible for the safe operation of the boilers at the boiler plant.

(e) A public utility, cooperative electric association, generation and transmission cooperative electric association, municipal power agency, or municipal electric utility that employs licensed boiler operators who are subject to an existing labor contract may use a provisional licensee as an operator only if using the provisional licensee does not violate the labor contract.

(f) Each provisional license expires 36 months after the date of issuance unless revoked less than 36 months after the date of issuance. A provisional license may not be renewed.

(g) The commissioner may issue no more than two provisional licenses to any individual within a four-year period.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2007 Supplement, section 183.51, is amended to read:

183.51 EXAMINATIONS; CLASSIFICATIONS; QUALIFICATIONS.

Subdivision 1. **Engineers, classes.** Engineers shall be divided into four classes:

- (1) Chief engineers; Grade A, Grade B, and Grade C.
- (2) First class engineers; Grade A, Grade B, and Grade C.
- (3) Second class engineers; Grade A, Grade B, and Grade C.
- (4) Special engineers.

Subd. 2. **Applications.** Any individual who desires an engineer's license shall submit an application on a written or electronic form prescribed by the commissioner, at least 15 days before the requested exam date. ~~The application permits~~ If the commissioner approves the applicant for examination, the applicant ~~to~~ may take the examination on one occasion within one year from the date the commissioner receives the application.

Subd. 2a. **Examinations.** Each applicant for a license must pass an examination developed and administered by the commissioner. The examinations shall be of sufficient scope to establish the competency of the applicant to operate a boiler of the applicable license class and grade.

Subd. 2b. **Continuing education.** The commissioner may require continuing education prior to the renewal of any license. Before requiring continuing education, the commissioner shall adopt rules that specify the continuing education requirements.

Subd. 3. **High and low pressure boilers.** For the purposes of this section and section 183.50, high pressure boilers shall mean boilers operating at a steam or other vapor pressure in excess of 15 p.s.i.g., or a water or other liquid boiler in which the pressure exceeds 160 p.s.i.g. or a temperature of 250 degrees Fahrenheit.

Low pressure boilers shall mean boilers operating at a steam or other vapor pressure of 15 p.s.i.g. or less, or a water or other liquid boiler in which the pressure does not exceed 160 p.s.i.g. or a temperature of 250 degrees Fahrenheit.

Subd. 4. **Chief engineer, Grade A.** An individual seeking licensure as a chief engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, steam engines, and turbines and their appurtenances; and, before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years actual experience in operating ~~such~~ the boilers except as provided in subdivision 16, including at least two years experience in operating ~~such~~ the engines or turbines except as provided in subdivision 16.

Subd. 5. **Chief engineer, Grade B.** An individual seeking licensure as a chief engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances; and, before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years actual experience in operating those boilers except as provided in subdivision 16.

Subd. 6. **Chief engineer, Grade C.** An individual seeking licensure as a chief engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances, and before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years of actual experience in operating ~~such~~ the boilers except as provided in subdivision 16.

Subd. 7. **First-class engineer, Grade A.** An individual seeking licensure as a first-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, engines, and turbines and their appurtenances of not more than ~~300~~ 500 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license, the applicant shall take and

subscribe an oath attesting to at least three years actual experience in operating ~~such~~ the boilers, including at least two years experience in operating such engines or turbines except as provided in subdivision 16.

Subd. 8. **First-class engineer, Grade B.** An individual seeking licensure as a first-class engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers of not more than ~~300~~ 500 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating ~~such~~ the boilers except as provided in subdivision 16.

Subd. 9. **First-class engineer, Grade C.** An individual seeking licensure as a first-class engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances of not more than ~~300~~ 500 horsepower or to operate as a shift engineer in a low pressure plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating ~~such~~ the boilers except as provided in subdivision 16.

Subd. 10. **Second-class engineer, Grade A.** An individual seeking licensure as a second-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, engines, and turbines and their appurtenances of not more than 100 horsepower or to operate as a shift engineer in a plant of not more than ~~300~~ 500 horsepower, or to assist the shift engineer, under direct supervision, in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating ~~such~~ the boilers, including at least one year of experience in operating ~~such~~ the engines or turbines except as provided in subdivision 16.

Subd. 11. **Second-class engineer, Grade B.** An individual seeking licensure as a second-class engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers of not more than 100 horsepower or to operate as a shift engineer in a plant of not more than ~~300~~ 500 horsepower or to assist the shift engineer, under direct supervision, in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating ~~such~~ the boilers except as provided in subdivision 16.

Subd. 12. **Second-class engineer, Grade C.** An individual seeking licensure as a second-class engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances of not more than 100 horsepower or to operate as a shift engineer in a low pressure plant of not more than ~~300~~ 500 horsepower, or to assist the shift engineer, under direct supervision, in a low pressure plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating ~~such~~ the boilers except as provided in subdivision 16.

Subd. 13. **Special engineer.** (a) An individual seeking licensure as a special engineer shall be at least 18 years of age and have habits and experience which justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances of not more than ~~30~~ 50 horsepower or to operate as a shift engineer in a plant of not more than 100 horsepower, or to serve as an apprentice in any plant under the direct supervision of the properly licensed engineer.

(b) An individual seeking licensure as a special engineer who is at least 16 years of age but less than 18 years of age must be enrolled in a course approved by the commissioner, and have habits and experience that justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances of not more than 50 horsepower or to operate as a shift engineer in a plant of not more than 100 horsepower, or to serve as an apprentice in any plant under the direct supervision of the properly licensed engineer.

Subd. 14. **Current boiler operators.** Any individual operating a boiler other than a steam boiler on or before April 15, 1982, shall be qualified for application for the applicable class license upon presentation of an affidavit furnished by an inspector and sworn to by the individual's employer or a chief engineer. Except as provided in subdivision 16, the applicant must have at least the number of years of actual experience specified for the class of license requested and pass the appropriate examination.

Subd. 15. **Rating horsepower.** For the purpose of rating boiler horsepower for engineer license classifications only: ten square feet of heating surface shall be considered equivalent to one boiler horsepower for conventional boilers and five square feet of heating surface equivalent to one boiler horsepower for steam coil type generators.

Subd. 16. **Educational offset.** Notwithstanding the experience requirements in subdivisions 4 to 14, the commissioner may by rule establish educational equivalencies that an applicant may meet instead of a portion of the specified operating experience.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2006, section 183.545, subdivision 4, is amended to read:

Subd. 4. **Boiler engineer license fees.** For the following licenses, the nonrefundable license and application fee is:

- (1) chief engineer's license, \$50;
- (2) first class engineer's license, \$50;
- (3) second class engineer's license, \$50;
- (4) special engineer's license, \$20; ~~and~~
- (5) traction or hobby boiler engineer's license, \$50; and
- (6) provisional license, \$50.

An engineer's license, except a provisional license, may be renewed upon application and payment of an annual renewal fee of \$20. The annual renewal, if paid later than 30 days after expiration, is \$35. The fee for replacement of a current, valid license is \$20.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor May 12, 2008

Signed by the governor May 15, 2008, 2:35 p.m.