CHAPTER 5225
DEPARTMENT OF LABOR AND INDUSTRY
BOILERS AND POWER BOATS

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5225.0010 SCOPE.

This chapter addresses the manufacture, installation, repair, operation, safety, and inspection of boilers, pressure vessels, appurtenances, and boats for hire as defined in parts 5225 0050 to 5225 8700 pursuant to Minnesota Statutes, chapter 183

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.0050 DEFINITIONS.

Subpart 1 **Scope.** For the purposes of this chapter and Minnesota Statutes, sections 183 375 to 183 62, the following terms have the meanings given them

Subp 2 **Appurtenance.** "Appurtenance" means equipment that is integral to the operation of the boiler as specified in Sections I, IV, VI, and VII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code as incorporated by reference in part 5225 0090

Subp 3 **Authorized inspector.** "Authorized inspector" means a commissioned inspector with a Minnesota certificate of competency who also possesses either an A or B endorsement and is regularly employed by an authorized inspection agency or the jurisdiction

Subp 4 **Boiler.** "Boiler" means a vessel in which steam or other vapor, hot water or other hot liquid is generated for use external to itself

Subp 5 **Boiler plant.** "Boiler plant" means all boilers on a common header and their related appurtenances

Subp 6 **Chief boiler inspector.** "Chief boiler inspector" means the chief of the division of boiler inspection as defined in Minnesota Statutes, section 183 375, subdivision 2, appointed by the commissioner

Subp 7 **Chief engineer.** "Chief engineer" means the properly licensed engineer required to be in charge of and responsible for the safe operation of a boiler plant

Subp 8 **Commissioned inspector.** "Commissioned inspector" means one who has passed the exam of the National Board of Boiler and Pressure Vessel Inspectors and possesses a valid National Board Commission and is employed by an authorized inspection agency or the jurisdiction

Subp 9 **Commissioner.** "Commissioner" means the commissioner of the department

Subp 10 **Department.** "Department" means the Department of Labor and Industry

Subp 11 **Direct supervision.** "Direct supervision" by the properly licensed operating engineer of a boiler plant means oversight of an apprentice's activities on a boiler including attendance at the boiler plant at all times

Subp 12 **Division.** "Division" means the Division of Boiler Inspection

Subp 13 **High pressure boiler.** "High pressure boiler" means power boiler as defined in Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code

Subp 14 **Operating engineer.** "Operating engineer" means a properly licensed individual who operates and maintains boilers and their appurtenances

Subp 15 **Operating experience.** "Operating experience" means activities in boiler operations and maintenance that include training, observation, and personal participation

Subp 16 **Operation.** "Operation" means the act of manipulating and monitoring, except as provided in Minnesota Statutes, section 183 501, paragraph (b), boilers or appurtenances to assure safe operation for the intended purpose in accordance with this chapter

Subp 17 **Repair firm.** "Repair firm" means a company or organization that holds a current "R" repair certificate of authorization issued by the National Board of Boiler and Pressure Vessel Inspectors and performs welded repairs or alterations on boilers or pressure vessels

Subp 18 **Shift engineer.** "Shift engineer" means the operating engineer responsible to the chief operating engineer in charge of and responsible for the safe operation of a boiler plant in the absence of the chief engineer

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.0090 INCORPORATION BY REFERENCE.

Subpart 1 **General.** To the extent adopted by Minnesota Statutes, chapter 183, and referred to in this chapter, the codes and publications described in this part are incorporated by reference

Subp 2 **American Society of Mechanical Engineers Boiler and Pressure Vessel Code Sections I, II, III, IV, V, VI, VII, VIII, IX, X, and XI.** The American Society of Mechanical Engineers Boiler and Pressure Vessel Code is written and published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017 and can be purchased from the same source It is available for inspection at the Science and Engineering Reference Collection, 206 Walter Library, University of Minnesota, 117 Pleasant Street S E , Minneapolis, Minnesota 55455 It is subject to frequent change The publication dates vary by subject The most recent publication and addenda are incorporated

Subp 3 **National Board Inspection Code.** The National Board Inspection Code is written and published by the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229 and can be purchased from the same source It is available for inspection at the Minnesota State Law Library, Minnesota Judicial Center, 25 Constitution Avenue, Saint Paul, Minnesota 55155 It is subject to frequent change The publication date varies The most recent publication and addenda are incorporated

Subp 4 **American Society of Mechanical Engineers Codes — Standards.** The American Society of Mechanical Engineers Codes — Standards are submitted for publication to the American National Standards Institute, 1430 Broadway, New York, New York 10018 and can be purchased from the same source They are available for inspection at the

Hill Reference Library, 80 West Fourth Street, Saint Paul, Minnesota 55102. They are subject to frequent change The publication dates vary by subject The most recent publication and addenda are incorporated

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.0100 APPLICATION FOR OPERATING ENGINEER LICENSE.

Any person desiring to take an examination for a license as an operating engineer shall make written application under oath, on blanks furnished by the division The application shall be accompanied by a corroborating affidavit of at least one employer or an operating engineer possessing not less than a second class engineer's license, certifying to the applicant's operating experience as stated in the application If affidavits are not obtainable, satisfactory evidence of the applicant's operating experience must be furnished

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183.466, 183 54*

History: *19 SR 591*

5225.0300 EXPIRATION AND RENEWALS.

Subpart 1 **Timing.** Licenses for operating engineers, unless revoked, are valid for one year from the date of issuance, with privilege of renewal without examination, upon application to the division and payment of a renewal fee within ten calendar days of the expiration date. The renewal license must be given an issue number and the same monthly date as the original issue An application for renewal may not be presented before 30 days preceding the expiration date of the license Engineers who fail to renew their licenses before the ten–day grace period has expired are subject to subparts 2 and 3

Subp 2 **Renewal application within one year of expiration.** A license that has expired may be renewed within one year of expiration without an examination by filing an application for renewal, and submitting the expired renewal fee required in part 5225 8600, subpart 2, item C

Subp 3 **Application beyond one year of expiration.** After one year after expiration of a license, the license will not be renewed An applicant must reapply as provided in part 5225.0100.

Statutory Authority: *MS s 175 171, 183 42, 183.44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.0400 BASIC LICENSE REQUIREMENT AND DUTY.

No person shall have charge of as the engineer or operate any boiler or boiler plant who does not possess a license of the class required to operate the boiler or boiler plant

It is the duty of the owner of a boiler or boiler plant and the chief engineer and all boiler inspectors, including those employed by msurance companies, to promptly report to the chief boiler inspector, any boiler or boiler plant in which the engineer has no license or a license of a lower class than that required by law for the horsepower of the boiler or boiler plant.

Statutory Authority: *MS s 175 171, 183 42; 183 44, 183 465, 183 466, 183.54*

History: *19 SR 591*

5225.0410 HIGH PRESSURE BOILER CHIEF ENGINEER.

Each boiler plant over 300 horsepower must have designated a chief class operating engineer of proper grade as the chief engineer of the plant The chief engineer shall have the responsibility for ensuring the safe operation and maintenance of the boiler plant The requirements of this section are not met unless the chief engineer has the authority to make decisions to ensure that safety The chief engineer shall work on the premises at least four hours per day, five days per week, with the exception of excused absences, such as vacation, sick leave, and holiday time

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183.466, 183 54*

History: *19 SR 591*

5225.0500 EXAMINATIONS.

Subpart 1 **Preparation of written examination.** The examination questions will be prepared by the chief boiler inspector All examinations must be written unless the applicant is unable to read, or write, in which case the examination will be oral for a special or second class license The right to an oral examination for a first or chief class license shall be determined by the chief boiler inspector based on the applicant's ability to demonstrate reading comprehension of statutes, rules, technical boiler operation manuals, and safety warnings Decisions of the chief boiler inspector regarding application for oral examination may be appealed to the commissioner under part 5225 3200 A written record of the examination shall be made, and examination papers will be kept on file for a period of at least one year

Subp. 2 **Minimum grade.** No new license of any class will be granted to any applicant who fails to obtain a score of at least 70 percent in an examination

Subp 3 **Effect of failure.** Applicants who fail to pass an examination shall not be eligible to take another examination for the same class of license for ten days

Failure of an applicant to obtain a passing score will not affect the status of any license currently held, but the fee paid for the examination will not be refunded

Statutory Authority: *MS s 175 171, 183.42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.0550 EXPERIENCE REQUIREMENTS AND DOCUMENTATION FOR LICENSURE AS AN OPERATING ENGINEER.

Subpart 1. **Compliance requirements.** All applicants must comply with this chapter and Minnesota Statutes, sections 183 375 to 183 62 The experience requirements are detailed in this part and documentation requirements are detailed in subpart 9 Applicants with previous experience in a jurisdiction requiring licensure must show proof of compliance with the licensure requirements of that jurisdiction in order to receive credit for the experience All applicants for licensure as an operating engineer or hobby operating engineer, shall provide documentation of operating experience for the level of class/grade applied for in accordance with subparts 2 to 8 To be acceptable for this purpose, operating experience must have occurred within the ten years prior to the license application The chief boiler inspector may allow earlier operating experience if that experience is pertinent to current operations

Subp 2. **Special class experience requirements.** A special class license requires only a signed application form No previous experience is necessary

Subp 3 **Second class experience requirements.** A second class license requires one year of operating experience, documented as described in subpart 9, on a boiler of proper size under Minnesota Statutes, section 183 51, subdivisions 10 to 12

Subp 4 **First class experience requirements.** A first class license requires three years of operating experience, documented as described in subpart 9, on a boiler of proper size under Minnesota Statutes, section 183.51, subdivisions 7 to 9

Subp 5 **Chief class experience requirements.** A chief class license requires five years of operating experience, documented as described in subpart 9, on a boiler of proper size which must include one year as a licensed first class engineer, under Minnesota Statutes, section 183 51, subdivisions 4 to 6

Subp 6 **Requirements for Grade A licensure.** The requirements for a Grade A license are

A Second Class one year of operating experience on a high pressure boiler, documented as described in subpart 9, which must include one year of operation of a steam engine or turbine

B First Class· three years of operating experience on a high pressure boiler, documented as described in subpart 9, of which at least two years must include operation of a steam engine or turbine

C Chief Class five years of operating experience on a high pressure boiler, documented as described in subpart 9, including at least two years of operation of a steam engine or turbine

Subp. 8 **Hobby operating engineer license experience and documentation.**

A Experience. An applicant for a hobby operating engineer license must have at least 25 hours operating experience on a steam traction engine or hobby boiler under the supervision of an operating engineer

B Documentation An affidavit of experience must be signed by a person with sufficient knowledge of the applicant's operating experience prior to the applicant taking the examination The person signing the affidavit must have observed the applicant operating the steam traction engine or hobby boiler and must possess either a valid Minnesota hobby operating engineer license or a valid second class, or higher, Minnesota operating engineer's license However, if the experience claimed is acquired from outside the state of Minnesota, documentation under the last paragraph of subpart 9 applies

Subp 9 **Supporting documentation.** Acceptable forms of documentation of experience are

A notarized affidavits, prescribed by the department and signed by the owner, employer, or a person possessing a valid Minnesota second class or higher operating engineer license,

B documentation from the military or maritime service verifying actual operating experience, or

C a notarized letter from an employer on the employer's business stationery containing verification of operating experience sufficient to determine the appropriate class and grade of license for which the applicant may apply

If the documentation described in items A to C cannot be obtained, other forms of documentation in which the information can be verified and which are sufficient to determine the appropriate class and grade, may be submitted to the chief boiler inspector for consideration

Subp 10 **Year defined.** For purposes of this chapter, a "year" is at least 2,000 hours However, in the case of low pressure heating boilers, a year is defined as a 12–month period which includes the heating season operating, and the remainder of the year maintaining, the low pressure boiler

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.0600 PROHIBITION AGAINST FALSE STATEMENTS IN APPLICATION.

Any material false statement in an application or affidavit such that the license would not have been granted if the accurate information had been provided, shall render the license void The license shall not be determined to be void until the license holder has been provided with the opportunity for a meet and confer conference and/or an administrative hearing pursuant to part 5225 0880, subpart 5, and the requirements of the Administrative Procedure Act, and the charge of a materially false statement is upheld.

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183.54*

History: *19 SR 591*

5225.0700 LOSS OR DESTRUCTION OF LICENSE.

Upon application by the license holder stating that a current operating engineer's license issued under the authority of this chapter for display has been lost, destroyed, or not received, a replacement license will be issued for the fee in part 5225 8600, subpart 2, item D Upon presentation of a written statement of fact showing that a current operating engineer's license issued under the authority of this chapter in wallet size has been lost, destroyed, or not received, a replacement license will be issued for the fee in part 5225 8600, subpart 2, item D

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.0880 DISCIPLINARY PROCEDURES.

Subpart 1 **License revocation suspensions.** The commissioner may suspend or revoke the operating engineer's or pilot's license, direct the person to cease the action or operation, seal the boiler or pressure vessel, or seek a restraining order in district court if the holder of a license of any class, including pilots of boats for hire, or the owner of a boiler or pressure

vessel violates any provision of Minnesota Statutes, sections 183 375 to 183 62, or this chapter, or operates or allows a boiler or pressure vessel to be operated under unsafe or dangerous conditions, or the holder of a license of any class, including pilots of boats for hire, has obtained a license of any grade based on a materially false application or affidavit, or an owner of a boiler fails to employ operating engineers to operate the boiler, or fails to make necessary repairs to an unsafe boiler or pressure vessel In deciding what action to take, the commissioner shall consider the seriousness of the violation, the likelihood of a repeat occurrence, and the actual or potential threat to property or life caused by the violation

Subp 2 **Complaints.** All complaints related to license qualification or unsafe operating practices, whether filed by a boiler inspector of the department or any other person, must be in writing to the chief boiler inspector on forms prescribed by the commissioner Notices of unsafe objects shall be prepared by a boiler inspector of the department on forms prescribed by the commissioner

Upon the filing of a complaint with the chief boiler inspector charging the owner or license holder with engaging in a prohibited or unsafe activity described in subpart 1, the chief boiler inspector shall direct an investigation as necessary and report to the commissioner if the chief boiler inspector believes further action is necessary

Unless the commissioner seeks a restraining order in district court, the commissioner shall serve on the owner or license holder, by first class or certified mail or in person, notice of the alleged violation, the proposed action to be taken, and of the opportunity for a conference and a contested case proceeding under subpart 3

Subp 3 **Show cause conference.** If the charge is that a license holder or owner has violated a provision of Minnesota Statutes, sections 183 375 to 183 62 or this chapter, or is operating a boiler or pressure vessel in an unsafe or dangerous condition, or with unlicensed or improperly licensed engineers, or a decision of a boiler inspector is being appealed pursuant to part 5225 3200, the commissioner shall give the owner or license holder the opportunity to request a conference to show cause (1) why an order should not be issued suspending or revoking the holder's license or directing the person to cease and desist the prohibited activity or operation, or (2) why the decision of the boiler inspector should not stand

The person charged may request a show cause conference in writing that must be received by the commissioner within ten working days after the notice provided for in subpart 2 was served If a timely request is not made, the commissioner may issue the proposed order

The show cause conference must be scheduled within 20 working days of the receipt of a timely request Findings and an order must be served and filed by the commissioner within ten working days after the conference is held

Orders issued under this subpart must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge An owner or license holder who disagrees with the commissioner's order issued pursuant to this subpart may request a contested case hearing for a final determination in accordance with subpart 7 If a contested case hearing is requested, the commissioner's order shall be stayed pending a final determination after the contested case hearing

Subp 4 **Unsafe objects; administrative conference.** If an inspector of the department has determined that the operation of a boiler by an unlicensed or improperly licensed person creates an imminent danger to human life or property or that repair or replacement is necessary to ensure safe operation of a boiler or pressure vessel, a notice of unsafe object must be placed on the boiler or pressure vessel In addition to the notice requirements of subpart 2, the notice of unsafe object must state that the boiler or pressure vessel may not be operated until the object is satisfactorily repaired or replaced and the notice of unsafe object is removed by the inspector, until properly licensed persons are assigned to operate the equipment, or the commissioner orders the notice of unsafe object removed from the boiler or pressure vessel

The commissioner shall give the owner of the boiler or pressure vessel the opportunity for a conference to show cause why the boiler or pressure vessel should not remain sealed until repaired or replaced or until properly licensed persons are available to operate the boiler The owner must request a show cause conference in writing, in person, or by phone, within three working days of the date the notice of unsafe object was placed on the boiler or pressure vessel If a request for a show cause conference is not timely received, the commissioner

may order that the boiler or pressure vessel remain sealed pending repair, replacement, or operation by properly licensed personnel.

The show cause conference must be held within two working days of receipt of a timely request or at a later date upon mutual consent of the parties Immediately upon completion of the conference, the commissioner must provide a verbal order, to be followed by written findings and an order, that must be served and filed within ten working days after the conference is held

Orders must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge An owner who disagrees with the commissioner's order issued pursuant to this part, may request a contested case hearing for a final determination in accordance with subpart 7 Once a notice of unsafe object is placed on the boiler or pressure vessel, the boiler or pressure vessel may not be operated pending a show cause conference or a contested case proceeding until the tag is removed by the inspector, or the commissioner issues an order allowing the object to be placed into service

Subp 5 **Materially false statement; meet and confer conference.** If the charge is that the holder of a license obtained the license based on a materially false application or affidavit, the commissioner shall give the license holder the opportunity for an informal meet and confer session with representatives of the department. The license holder must request the conference in writing withm ten days of the date the notice in subpart 2 was served. The session must be scheduled within 20 working days of the receipt of a timely request

If no timely request for a meet and confer session is received, or if no mutually acceptable resolution can be reached at the meet and confer session, the commissioner shall initiate a contested case hearing pursuant to the Administrative Procedure Act to determine whether the license should be revoked

[For text of subps 6 to 8, see M R]

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183.465, 183.466, 183 54*

History: *19 SR 591*

5225.0900 DISPLAY OF LICENSE.

Licenses granted must be displayed in a conspicuous place in the engine or boiler room Boiler plants operated by a contract operating engineer must have a copy of the operating engineer's license of each person who may be operating the boiler posted in each boiler room

Statutory Authority: *MS s 175 171, 183.42, 183 44, 183 465, 183.466; 183.54*

History: *19 SR 591*

5225.1000 BOILER HORSEPOWER RATING.

In rating the horsepower of a boiler plant, inspectors shall use the horsepower of each boiler and compute the total horsepower of all boilers connected to the header, whether all the boilers are in use or not

Where the heating surface cannot be discerned, the boiler horsepower shall be determined by calculating Btu boiler–rated input divided by 67,000

For purposes of operating engineer license requirements, boiler horsepower for conventional boilers and steam coil type generators is determined as provided in Minnesota Statutes, section 183 51, subdivision 15 For electrically operated boilers for this purpose, ten kilowatts equal one boiler horsepower

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183.54*

History: *19 SR 591*

5225.1100 [Repealed, 19 SR 591]

5225.1110 BOILER OPERATION STANDARDS; ALL PLANTS.

All boilers, unless specifically exempted by Minnesota Statutes, section 183 56, must be operated, maintained, and attended by an operating engineer in a prudent and attentive manner to avoid endangering human life and property At a minimum, all operating boilers must be checked daily by an operating engineer in compliance with this chapter The recom-

mendations of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VI, for low pressure and Section VII, for high pressure must be complied with and a log documenting the compliance must be completed daily by the chief engineer or an operating engineer designated by the chief engineer

Statutory Authority: *MS s 175.171, 183.42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.1140 ATTENDANCE AT HIGH PRESSURE PLANT.

Subpart 1 **Attendance.** A high pressure boiler plant of 31 to 200 horsepower may be left in operation unattended by an operating engineer for no more than two consecutive hours when the premises are occupied by employees or the public, except as permitted by part 5225 1180, subpart 1

Subp 2 **Attendance required.** A high pressure boiler plant of more than 200 horsepower, when in operation, requires constant attendance by an operating engineer, except as permitted by part 5225 1180, subpart 2

Subp 3 **Hobby boiler.** A hobby boiler may not be left unattended when in operation and members of the public are present For purposes of this part, a traction engine may be considered as not being in operation when all of the following conditions exist

A the water level is at least one–third of the water gage glass;

B the header or dome valve is in a closed position,

C the draft doors are closed;

D the fire is banked or extinguished, and

E the boiler pressure is at least 20 pounds per square inch below the safety valve relieving pressure.

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.1180 ABSENCE FROM PLANT.

Subpart 1 **EXEMPTION.** A high pressure boiler plant of 31 to 200 horsepower is exempt from the high pressure attendance requirements of part 5225 1140, subpart 1, and is subject only to the attendance provisions of part 5225 1110 under the following conditions·

A the boiler is equipped with dual pressure controls and dual low water fuel cutouts and the boiler does not exceed 15 pounds per square inch operating pressure at any time during the operating engineer's absence,

B the boiler is equipped with fail–safe type safety controls or valves regulating pressure, temperature, water level, and control supply lines Fuel control and safety devices must meet at least the minimum requirements for automatically fired boilers m Sections I and IV of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code,

C the valves and controls must be manually switched over by the operating engineer, the dates and time must be entered in the boiler room log, and the entry must be signed by the operating engineer,

D. the building in which the boiler is located is not occupied by the public or employees except for custodial, maintenance, or security personnel, and

E the boiler is for supplying steam directly to a low pressure header with header safety valves set at or below 15 pounds per square inch and is of adequate capacity to prevent a pressure rise above 15 pounds per square inch in the system. The shutoff valve between the high and low pressure systems must be electrically interlocked with the low pressure control system so that the crossover valve is in the open position while operating on low pressure

Subp 2 **Absence; shift engineer; over 200 horsepower.** The shift engineer in a high pressure boiler plant of over 200 horsepower may leave the boiler room for up to 30 minutes if all boilers are equipped with dual pressure controls and dual low water fuel cutouts, one of which must be the manual reset type The shift engineer must stay within 500 feet of the boiler room at all times during the shift

Subp. 3. **Limitations.** The absences described in part 5225 1140, subpart 1, and this part may not approach nearly continuous absence from the plant. If the chief engineer or shift en-

gineer has found the boiler to be in an unsafe condition, in addition to notifying the chief boiler inspector, absence from the plant is not allowed

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.1200 INSPECTORS.

Subpart 1 **License requirement.** All inspectors whether jurisdictional or in the employ of insurance companies performing inspections in Minnesota shall possess a National Board of Boiler and Pressure Vessels Inspectors' Commission issued by the National Board of Boiler and Pressure Vessel Inspectors, and a Minnesota certificate of competency and shall place on inspection reports the serial number of their Minnesota state certificate of competency The serial number of the applicant's national board commission must be registered with the division before or at the time of application for the Minnesota certificate of competency A Minnesota state certificate of competency is issued by the division according to Minnesota Statutes, section 183 38, subdivision 2

Subp 2 [Repealed, 19 SR 591]

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.1225 AUTHORIZED INSPECTOR.

Subpart 1 **Qualifications.** In order to qualify as an authorized inspector, an applicant shall possess a National Board of Boiler and Pressure Vessel Inspectors' Commission from the National Board of Boiler and Pressure Vessel Inspectors and receive an A endorsement and obtain a current Minnesota certificate of competency Persons with a B endorsement as of September 1, 1992, may maintain their status as authorized inspectors by complying with national board requirements and annual renewal requirements if they are supervised by a supervisor with a B endorsement An authorized inspector may perform any inspection duty, including shop and in–service

Subp 2 **Examinations.** State or insurance company commissioned inspectors seeking a license as an authorized inspector on new construction of boilers or pressure vessels shall qualify for an A endorsement by passing a written examination prepared by the National Board of Boiler and Pressure Vessel Inspectors The examinations will be held at Saint Paul, Minnesota, by the division at times the commissioner may prescribe

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.1300 OPERATORS OF RAILROAD LOCOMOTIVES.

Operators of railroad locomotives which are utilized for such stationary purpose as generating steam for power or heating are required to have the proper class of operating engineer licenses issued by the division

Operators of railroad locomotives engaged in intrastate or interstate commerce and operators of boilers in private residences and dwellings with accommodations for five or fewer families are not required to possess operating engineers' licenses issued by the division

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.1350 PROPERTY DAMAGE OR PERSONAL INJURY REPORT.

Insurance inspectors or owners of boilers shall make a written report to the chief boiler inspector of incidents involving boilers and pressure vessels covered under this chapter that result in personal injury, destruction of the object, any property damage, or repairs not of a routine nature These incidents shall be reported on the National Board of Boiler and Pressure Vessel Inspectors, Incident Report form

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.1400 VIOLATIONS.

Failure of any licensee to comply with any provision of this chapter shall constitute grounds for suspending the offending operating engineer's license for from ten to 30 days,

and for repeated or grave offenses an operating engineer's license may be revoked as provided in part 5225 0880

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

INSPECTIONS

5225.2050 MAXIMUM ALLOWABLE WORKING PRESSURE.

The maximum allowable working pressure for boilers and pressure vessels must not exceed that determined for those objects in Section I for high pressure boilers, Section IV for low pressure boilers, or Section VIII for unfired vessels of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.2100 STAMPS ON BOILER AND PRESSURE VESSELS.

Every boiler or pressure vessel, unless specifically exempted by Minnesota Statutes, section 183 56, for use in this state must conform in every detail to the boiler and pressure vessel laws of the state as provided in Minnesota Statutes, chapter 183, and this chapter Each boiler or pressure vessel must be constructed in compliance with and stamped with the respective American Society of Mechanical Engineers Code Symbol Stamp, or international code symbol accepted by the National Board, and the National Board symbol registration number or the Minnesota Special (MINN SPC) Stamping must be witnessed by an Authorized Inspector Information as to construction stamp requirements shall be provided to contractors by the chief boiler inspector The chief boiler inspector may, at the request of the manufacturer, designate any authorized inspector to make the shop inspection, for which the manufacturer shall pay the required fee pursuant to part 5225 8600, subpart 4, plus travel expenses

All owners of new or used boilers shall notify the division before the installation is completed Before the equipment is put into service, hydrostatic testing must be applied to the boiler and appurtenances and witnessed by a commissioned inspector who holds a Minnesota certificate of competency If the boiler and appurtenances are in conformance with adopted standards, the inspector must file the results with the chief boiler inspector and a certificate of inspection will be issued for that object

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.2200 ITEMS REQUIRING IN-SERVICE INSPECTION.

Subpart 1 **Inspection.** A commissioned inspector holding a Minnesota Certificate of Competency shall inspect all boilers or steam generators, fired or unfired pressure vessels, and appurtenances for their safe operation and condition, and all pressure piping connecting them to the appurtenances, and all piping up to the first stop valve, or the second valve when two are required in accordance with inspection requirements in Section 1 of the American Society of Mechanical Engineers-Boiler and Pressure Vessel Code and the National Board Inspection Code They must be properly prepared for inspection and the inspector given at least 48 hours' notice before the time of the inspection

Subp 2 **Certificate of inspection.** A certificate of inspection will be issued by the division upon the object passing the inspection required by the division and the payment of the appropriate fee

Subp 3 **Certificate of exemption.** An exemption certificate will be issued as provided in part 5225 3150, subpart 2, if the object is in conformance with part 5225 3150, subpart 1

Subp 4 **Display of certificate.** A certificate of inspection or exemption issued by the division must be displayed in a conspicuous place on or near any boiler or pressure vessel subject to this chapter

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.2300 EXCEPTIONS TO THIS CHAPTER.

The objects described in Minnesota Statutes, section 183 56, clauses (1) to (18), are exempt from this chapter

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.2400 RELOCATION OF USED BOILERS OR VESSELS.

Before the transfer of ownership of or before relocation of a used boiler or pressure vessel or the owner shall cause it to be inspected by a commissioned inspector, and in computing the safe working pressure, the inspector shall use a safety factor of at least six on noncode boilers and pressure vessels having a butt strap joint and at least a factor of seven on a lap seam joint If the used boiler or pressure vessel changes ownership, the new owner shall arrange the inspection

For purposes of this part, noncode boilers and pressure vessels are those that have not been built to the American Society of Mechanical Engineers Boiler and Pressure Vessel Code specifications

Statutory Authority: *MS s 175 171, 183 42, 183.44; 183 465, 183 466; 183 54*

History: *19 SR 591*

5225.2600 REPAIRS AND ALTERATIONS; REPORTING.

Subpart 1 **Prior notice of repair or alteration.** The owner or person in charge of a boiler, steam generator, or pressure vessel shall notify the Chief Boiler Inspector or, if the object is insured, the owner or person in charge shall notify the insurer, before each welded or riveted repair or any alteration is made to the pressure containing parts of a boiler or pressure vessel The authorized inspector will review and accept or reject the computations for the safe working pressure of the repaired or altered object

Subp 2 **Standard of repairs.** The National Board of Boiler and Pressure Vessel Inspectors' repair (R) stamp and current Repair Certificate of Authorization are required for performing any welded or riveted repairs or any alterations to any boiler or pressure vessel subject to inspection as specified in Minnesota Statutes, sections 183 375 to 183.62

All alterations must be in compliance with the National Board Inspection Code and the American Society of Mechanical Engineers Boiler and Pressure Vessel Code sections for construction of that object.

Subp 3 **Inspection and reporting.** Any welded or riveted repairs or any alteration must be reported by the repair firm to the authorized inspection agency responsible for the in-service inspection of the boiler or pressure vessel. The inspection of the repair or alteration and the certification of repairs and alterations required by subpart 2 must be made by an authorized inspector who is employed by an authorized inspection agency under contract with the firm doing the repairs

An authorized inspection agency is:

A the division,

B another governmental regulatory agency which is accepted by the National Board of Boiler and Pressure Vessel Inspectors as an inspection agency, or

C the insurance company authorized by Minnesota Statutes, chapter 183, to provide the in-service inspection of the boiler or pressure vessel

When a welded repair does not require form R-1 as prescribed by the National Board Inspection Code, then documentation detailing the repair and any test results must be submitted to the chief boiler inspector and the owner by the repair firm, which must retain a copy

It is the responsibility of the repair firm making the welded or riveted repair or alteration to arrange for inspection, documentation, and certification of the work, and to ensure acceptance of the work by an authorized inspection agency

Completion of the National Board of Boiler and Pressure Vessel Inspectors' R-1, Report of Welded Repair or Alteration, form is required for all welded or riveted repairs not of a routine nature and all alterations as required by the National Board Inspection Code Chapter 3 It is the responsibility of the repair firm to prepare the form, certify it, and submit it to the

authorized inspector for acceptance Distribution of the form must be as provided in the National Board Inspection Code with one copy of the completed form sent to the division

Statutory Authority: *MS s 175 171, 183.42, 183 44; 183 465, 183.466, 183 54*

History: *19 SR 591*

5225.2610 OWNER REPAIR PROGRAM.

Subject to written approval of their repair program from the department, an owner with a boiler exceeding 200,000 pounds per hour of steam may perform repairs to their boiler or safety relief valves as allowed by and meeting the requirements of Sections I, IV, and VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the National Board Inspection Code. The granting of the approval does not allow repair of high pressure piping under the authority of and as defined by Minnesota Statutes, section 326 461

The owner repair program must include organization, design control, material control, control of work, inspection, welding, nondestructive testing, records, repair reporting, and provision for system test and inspection by a commissioned inspector holding a Minnesota Certificate of Competency Before acceptance of the repair program, the chief boiler inspector must review the program The program shall not be approved until the chief boiler inspector is satisfied that the program elements listed in this part are complete and acceptable and the allowance for independent third–party inspection controls are adequate and acceptable

The commissioner of the department may withdraw program approval, with cause, upon the recommendation of the chief boiler inspector The commissioner must provide the owner with written notification of the department's intent to withdraw program approval and the reasons for the action The owner, upon receipt of the commissioner's notification, has 30 calendar days to implement the required corrective actions to the satisfaction of the chief boiler inspector The acceptance or rejection of all corrective actions shall be by the chief boiler inspector and must be in writing.

Statutory Authority: *MS s 175 171, 183.42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.2700 REPAIRS BY INSPECTORS PROHIBITED; EXCEPTION.

Boiler inspectors shall not make any of the repairs they order to boilers If, however, no competent mechanic is available in the locality in which the boiler is located, the chief boiler inspector may grant permission to the inspector to make emergency or minor repairs

Statutory Authority: *MS s 175.171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.3000 PROFESSIONAL CONDUCT OF INSPECTORS.

Boiler inspectors shall at all times extend courteous treatment to those whom they serve and to the public, and make special effort to avoid controversy by referring disputes to the office of the chief boiler inspector Inspectors shall not commence any legal proceedings relating to the enforcement of boiler, license, or inspection laws prior to submitting the matter to the chief boiler inspector; nor shall they divulge to any person their personal opinions of findings pertaining to their duties as inspectors or disclose to the public any matter of a private nature in the possession of the division

Statutory Authority: *MS s 175 171; 183 42, 183 44, 183 465; 183.466; 183 54*

History: *19 SR 591*

5225.3100 INSURED COVERAGE REPORT.

Every insurance company insuring a boiler or pressure vessel must notify the division in writing within 30 days of the effective date of coverage (including binders) It must also mail a duplicate of the notification to the assured, who shall, until receipt of exemption certificate, display the notice in a conspicuous place near the boiler or pressure vessel The person, firm, or corporation operating the insured boiler or pressure vessel shall procure and display an exemption certificate as provided in part 5225 3150 within a period of 60 days from the date of coverage, and keep it displayed in a conspicuous place near the boiler or pressure vessel

If the certificate is not displayed within 60 days from date of coverage the boiler inspector from the division shall make the usual and customary inspection of the boiler or pressure vessel and charge the statutory fee

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.3150 INSURANCE COMPANY INSPECTIONS.

Subpart 1 **Annual inspection report.** An insurance company insuring a boiler or pressure vessel pursuant to Minnesota Statutes, section 183 57, shall mail the annual inspection report to the chief boiler inspector within 15 days of the inspection and a copy to the owner or operator of the boiler If a report is not filed with the department within 45 days of the date the annual inspection is due, a department boiler inspector shall make the required inspection and charge the insurance company at the shop inspection rate for the inspection, including the reasonable costs of the inspection such as the mileage, meals, and hotel expenses incurred

Subp 2 **Certificate.** The division shall issue a certificate of exemption from division inspection for each boiler or pressure vessel for which it has received an inspection report from the insurer Exemption from inspection by the division does not signify exemption from any of the other requirements of Minnesota Statutes, chapter 183, or this chapter The fees are as provided in part 5225 8600, subpart 6 The certificate of exemption expires when the boiler or pressure vessel is due for its next inspection under Minnesota Statutes, section 183 57, subdivision 1

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.3200 APPEALS.

Any person aggrieved by any action or decision of a boiler inspector may request a reconsideration by the commissioner, in the manner provided for a conference under part 5225 0880, subpart 3 The commissioner may affirm, modify, or rescind the action or decision The parties affected by an action or decision of the commissioner may request a hearing at the Office of Administrative Hearings under Minnesota Statutes, sections 14 57 to 14 69, and as provided in part 5225 0880, subparts 7 and 8

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.3400 [Repealed, 19 SR 591]

5225.3500 [Repealed, 19 SR 591]

BOILER SAFETY

5225.4000 BLOWOFF TANKS.

Blowoff tanks must meet the requirements of the National Board Inspection Code 27, Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.4100 SAFETY VALVES.

Every high pressure or low pressure boiler must have at least one safety valve A high pressure boiler of more than 500 square feet of water heating surface must have two or more safety valves All safety valves must meet the requirements of Section I, IV, or VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, and be so stamped, and be set no higher than the maximum allowable working pressure on the inspector's certificate for that boiler

Every safety valve must be connected to the boiler independent of any other connections, and attached as close as possible to the boiler, without any unnecessary pipe or fitting

and must stand in an upright position No valve of any description may be placed between the required safety valve or valves and the boiler, nor on the discharge pipe between the safety valve and the point of discharge All safety valves must discharge at a point of safety not less than seven feet from running boards, platforms, or adjacent areas No reduction in pipe size is allowed in discharge piping from a safety valve The discharge pipe must be of sufficient size to allow complete discharge without back pressure

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.4200 WATER GAGE.

When the boiler operating pressure exceeds 100 pounds per square inch, the watergage glass must be fitted with either a gate–type or plug–type valved drain to a safe discharge point

If the lowest water gage shutoff valve is more than seven feet above the floor or platform from which it is operated, the operating mechanism must indicate by its position whether the valve is opened or closed Installation must meet the requirements of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for high pressure boilers or Section IV for low pressure boilers

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.4300 WATER COLUMN SHUTOFFS.

When shutoffs are used in pipe connections between a boiler and water column or between a boiler and the shutoff valves required for the gage glass they must be either outside–screw–and–yoke or leverlifting type gate valves or stopcocks with levers permanently fastened and marked in line with their passage, or other through–flow construction to prevent stoppage by deposits of sediment. These valves must indicate by the position of the operating mechanism whether they are in open or closed position, and the valves or cocks shall be locked or sealed open Where valves are used they must be a type with the plug held in place by a guard or gland

The steam and water connections to a water column, including all pipe, fittings, valves, and drains must be readily accessible for internal inspection and cleaning by providing a cross or fitting with a back outlet at each right–angle turn, or by using pipe bends or fittings which will permit the passage of a rotary cleaner. The water column shall be fitted with at least a three–fourths inch pipe size valve drain with a suitable connection to a safe discharge point.

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.4400 STEAM GAGE.

For steam boilers the steam gages must meet the requirements of Section I for high pressure boilers, and section IV for low pressure boilers of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code to correctly record pressure

Each steam gage must be connected to a siphon of at least one–fourth inch pipe size and be fitted with a valve provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the valve is open If the pipe is longer than ten feet, a shutoff valve or valve arranged so that it can be locked or sealed open may be used near the boiler

The dial of the steam gage must be graduated to approximately double the pressure at which the safety valve is set but in no case to less than 1–1/2 times this pressure

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.4500 VALVES AND FITTINGS.

Valves and pipe fittings must conform to the American Society of Mechanical Engineers Boiler and Pressure Vessel Code which adopts American National Standards Institute

standards for the maximum allowable working pressure Fusion welded joints are permitted if the welding procedure and operator are qualified as required in Section IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code

All valves and fittings on all feedwater piping from the boiler up to and including the first stop valve and the check valve must be equal at least to the requirements of the standard accepted by Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for pressure 1 25 times the maximum allowable working pressure of the boiler

All valves and fittings for feedwater piping between the required check valve and the globe or regulating valve, and including any bypass piping up to and including the shutoff valves in the bypass, must be equal at least to the saturated requirements set out in Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code The valves and fittings must have a pressure rating at least equal to the expected operating pressure required to feed the boiler for a saturated steam temperature corresponding to the minimum set pressure of any safety valve on the boiler drum or for the actual temperature of the water, whichever is greater

Valves and fittings made of any material permitted by Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for pressure ratings of 125 pounds or more and marked as required by the code may take up to 20 percent reduction in pressure rating when used for feed line and blowoff service

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.4700 COMMON MAIN CONNECTION.

When two or more boilers are connected to a common steam main, the steam connection from each boiler having a manhole opening must be fitted with two stop valves having an ample free–blow drain between them. The stop valves installed on high pressure steam boilers must consist of either one automatic nonreturn valve, set next to the boiler and a second valve of the outside–screw–and–yoke type, or two valves of the outside–screw–and–yoke type The free blow drain must ensure complete removal of all condensate and steam from between the two stop valves

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183.465, 183 466, 183.54*

History: *19 SR 591*

5225.4800 BLOWOFF PIPING; VALVES AND FITTINGS.

Each boiler must have a bottom blowoff pipe fitted with a valve or cock in direct connection with the lowest water space practicable

All fittings between the boiler and valves must be of steel for pressure over 100 pounds per square inch

For pressures up to 200 pounds per square inch cast iron valves may be used if they meet the requirements of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, which adopts the American National Standards Institute Standard for 250 pounds, and if of steel must be equal to the requirements of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, which adopts the American National Standards Institute Standard For pressures over 200 pounds per square inch the valves or cocks must be of steel and at least equal to the requirements of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code which adopts the American National Standards Institute Standard

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.4900 BLOWOFF PIPING.

On all stationary boilers, when the allowable working pressure exceeds 100 pounds per square inch, each bottom blowoff pipe must have two slow–opening valves, or one slow–opening valve and a quick–opening valve or a cock complying with Section VII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code The quick–opening valve, if used, must be located nearest the boiler

The bottom blowoff pipes of every traction and/or portable boiler must have at least one slow–or–quick–opening blowoff valve or cock conforming to the American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section VII requirement

Blowoff valves and cocks must be located in a convenient and accessible place, using extension valve stems if necessary to secure safe operation

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.5000 FEED PIPING AND CHECK VALVE.

The feed–pipe must be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler When two or more boilers are fed from a common source, there must be a globe or regulating valve on the branch to each boiler between the check valve and the source of supply Wherever globe valves are used on feed piping, the inlet must be under the disk

A combination stop–and–check valve in which there is only one seat and disk, and a valve stem is provided to close the valve when the stem is screwed down, must be considered only as a stop valve, and a check valve must be installed as provided in the first paragraph of this part.

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.5100 FEEDWATER SUPPLY.

A high pressure boiler having more than 500 square feet of water heating surface (50 BHP) must have at least two means of feeding Each source of feeding must be capable of supplying water to the boiler at a pressure of three percent higher than the highest setting of any safety valve on the boiler For boilers that are fired with solid fuel not in suspension, and for boilers whose setting or heat source can continue to supply sufficient heat to cause damage to the boiler if the feed supply is interrupted, one such means of feeding must not be susceptible to the same interruption as the other, and each source must provide sufficient water to prevent damage to the boiler

When electrically driven feed pumps are used and there is no other reliable independent source of electrical supply, there must be maintained ready for service steam–driven feed pumps or injectors (inspirators) of sufficient capacity to safeguard the boilers in case of failure of electric power.

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.5200 ELECTRIC BOILERS.

All appliances required for electric steam boilers shall be attached in accordance with the following

A cable at least as large as one of the incoming power lines to the boiler must be provided for grounding the boiler shell This cable must be permanently fastened on some part of the boiler and must be grounded in an approved manner A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage This screen or guard must be located so that it will be impossible for anyone working around the boiler to accidentally come in contact with the high tension circuits

Each kilowatt of electrical energy consumed by an electric steam boiler, operating at maximum rating, must be considered the equivalent of one square foot of heating surface of a fire tube boiler when determining the required amount of safety valve relieving capacity

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

NAVIGATION OF POWER BOATS ON INLAND WATERS

5225.6050 INCORPORATION BY REFERENCE.

[For text of subps 1 and 2, see M R]

Subp 3 **Use of terms.** For the purpose of parts 5225 6000 to 5225 8600, the following terms in incorporated sections of Code of Federal Regulations have the meanings given in items A and B

A "Officer in charge, marine inspection," or "officer in charge" means a "chief boiler inspector"

B "Marine inspector" means a "designated boat inspector" and is used in this chapter to mean a boat inspector who is designated by the chief boiler inspector of the department

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.6140 INSPECTION OF BOATS.

Subpart 1 **Inspections required.** Annual inspection by the department is required of any boat that is not under the jurisdiction of the Coast Guard

Subp 2 **Inspections optional.** Boats that are less than 21 feet in length may be inspected by the department at the owner's request if the owner pays for the inspection Boats under 21 feet must meet the safety equipment requirements established by the Minnesota Department of Natural Resources

Subp 3 **Inspection standards.** The division shall conduct the inspection according to Code of Federal Regulations, title 46, subparts 175 20, 176 05–5, 176 05–10, and 176 25, and the requirements in parts 5225 6000 to 5225 8600

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.6150 LICENSE REQUIREMENTS.

Subpart 1 **General.** The operation of a boat requires a valid, current Minnesota pilot's license issued by the division

Subp 2 **Requirements for licensure.** An applicant for a pilot's license must

A fill out an application on forms provided by the division,

B submit an affidavit from a person who can attest to the piloting experience of the applicant as provided in subpart 3,

C pass an examination prepared by the chief boiler inspector as described in part 5225 0500, subpart 1, with a score of at least 70 percent, and

D pay the license fee as provided in part 5225 8600

Subp 3 **Experience documentation.** An applicant must have at least 15 hours of training experience operating a boat The training experience must be supervised by a licensed pilot The applicant must submit an affidavit completed by the supervising licensed pilot attesting to the applicant's training experience The applicant must submit the affidavit before taking the examination

Subp 4 **Exemptions from affidavit and examination requirement.** The affidavit and examination requirement shall be waived for an applicant possessing a current United States Coast Guard pilot's license An applicant possessing a current United States Coast Guard pilot's license must complete an application and pay the fee set by part 5225 8600

Subp 5 **Effect of failure of examination.** An applicant who fails to pass the examination is not eligible to take another examination for ten days The fee paid for the examination shall not be refunded

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.6160 LICENSE EXPIRATION AND RENEWAL.

Subpart 1 **Timing.** Licenses for pilots, unless revoked, are valid for one year from the date of issuance, with privilege of renewal without examination upon application to the division, and payment of a renewal fee within ten calendar days of the expiration date The renewal license must be given a consecutive issue number and the same monthly date as the

original issue An application for renewal may not be submitted before 30 days preceding the expiration date of the license Pilots who fail to renew their licenses before the ten-day grace period has expired are subject to the requirements in subparts 2 and 3

Subp 2 **Application for renewal within one year of expiration.** A license that has expired may be renewed within one year of expiration without an examination by filing an application for renewal and submitting the expired renewal fee required in part 5225 8600, subpart 2, item C

Subp 3 **Renewal application after one year of expiration.** After one year after the expiration of a license, the license will not be renewed An applicant must reapply as provided in part 5225 6150

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.6700 REPORTS OF DAMAGE.

A pilot of a boat shall report in writing to the office of the chief boiler inspector of the department any accident causing either death, an injury that requires hospitalization, or damage in excess of $1,000 In the event of a death, the report must be made within 48 hours In the event of an injury or property damage, the report must be made within five days The pilot shall also promptly report any other pilot who does not properly discharge the duties of a pilot and any person who flashes a light into the face of a pilot or otherwise commits an act that endangers the safety of a pilot or passengers of a boat

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.6940 DESIGN CHANGES.

Subpart 1 **Approval of design.** The division must be notified before any design change is made to a boat that changes the length, draft, center of gravity, or superstructure of the boat Drawings, sketches, or written specifications of the changes must be reviewed and approved by a marine architect designated by the boiler division The marine architect shall make a report regarding the proposed design changes to the chief boiler inspector Final approval or disapproval of design changes will be made by the chief boiler inspector All costs of the review by the architect must be paid by the boat owner

[For text of subp 2, see M R]

Statutory Authority: *MS s 175 171, 183 42; 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.8600 FEES.

[For text of subpart 1, see M R]

Subp 2 **Engineer licenses.**

[For text of item A, see M R]

B The fees for license renewal under parts 5225 0300 and 5225.6160 are as follows

(1) chief engineer, $25,

(2) first class engineer, $20,

(3) second class engineer, $15,

(4) special engineer, $10, and

(5) pilot, $10

C The fees for expired renewals under part 5225 0300, subpart 2, and 5225 6160, subpart 2, are as follows

(1) chief engineer, $50,

(2) first class engineer, $30,

(3) second class engineer, $25,

(4) special engineer, $20, and

(5) pilot, $30

D The fee for replacement of a lost license of any class is $15

[For text of subps 3 to 6, see M R]

Subp 7 **Boat inspections.** The fees for boat inspections under Minnesota Statutes, section 183 545, subdivision 1, are as follows

A boat under 30 feet, $50,

B boat from 30 to no more than 40 feet, $60,

C boat over 40 to no more than 50 feet, $70, and

D boat over 50 feet, $80

Subp 8 **Hobby boilers.** The inspection fee for hobby boilers or traction boilers, not previously certified in Minnesota is $75 The inspection fee for a subsequent inspection of a hobby or traction boiler is $45

Subp 9 **Date due.** As provided in Minnesota Statutes, section 183 54, subdivision 2, fees for inspection are payable at the time of the delivery of the certificate

Subp 10 **Failure to pay fee.** If the fee is not paid within 30 days from the date of the inspection under Minnesota Statutes, section 183 54, subdivision 3, completion of delivery of the certificate will not occur If the fee is not paid within 60 days from the date of the inspection, the commissioner may assess a penalty under Minnesota Statutes, section 183 001, or seal the object inspected

Statutory Authority: *MS s 175 171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.8700 PENALTY.

Boilers and boats subject to inspection under Minnesota Statutes, chapter 183, must be inspected at least annually Pressure vessels must be inspected at least every two years except as provided under Minnesota Statutes, section 183 45 An owner or chief operating engineer who fails to have an inspection in a timely manner shall pay to the division a penalty in the amount of $500 for each three–month period that passes until the inspection occurs

Statutory Authority: *MS s 175.171, 183 42, 183 44, 183 465, 183 466, 183 54*

History: *19 SR 591*

5225.9000 [Repealed, 19 SR 591]