CHAPTER 5225
DEPARTMENT OF LABOR AND INDUSTRY
BOILERS AND BOATS

LICENSES

INSPECTIONS

BOILER SAFETY

NAVIGATION OF POWER BOATS ON INLAND WATERS

LICENSES

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.0050 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter and Minnesota Statutes, sections 326B.952 to 326B.998, 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 326B.972, 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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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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 Rev. Dr. Martin Luther King Jr. Blvd., 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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *17 SR 1279; 18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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5225.0200 [Repealed, 10 SR 1379]

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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 30 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 60 days preceding the expiration date of the license. Engineers who fail to renew their licenses before the 30-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; 183.001; 183.375; 183.41; 183.411; 183.42; 183.44; 183.465; 183.466; 183.54; 183.545; 183.62; 326B.956; 326B.958; 326B.964; 326B.966; 326B.982; 326B.986; 326B.998*

History: *12 SR 1148; 18 SR 614; 19 SR 591; 25 SR 992; L 2007 c 140 art 9 s 27; art 13 s 4*
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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 insurance 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; 183.501; 183.54; 326B.958; 326B.964; 326B.966; 326B.972; 326B.982*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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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; 183.41; 183.42; 183.44; 183.465; 183.466; 183.54; 183.62; 326B.958; 326B.964; 326B.966; 326B.982; 326B.998*

History: *13 SR 1917; 18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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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 326B.952 to 326B.998. 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 326B.978, subdivisions 12 to 14.

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 326B.978, subdivisions 9 to 11.

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 326B.978, subdivisions 6 to 8.

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. 7. [Repealed, 18 SR 614]

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; 183.41; 183.42; 183.44; 183.465; 183.466; 183.54; 183.62; 326B.958; 326B.964; 326B.966; 326B.982; 326B.998*

History: *13 SR 1917; 17 SR 1279; 18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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5225.0800 [Repealed, 13 SR 1917]

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5225.0880 [Repealed, L 2007 c 140 art 13 s 3]

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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; 183.41; 183.42; 183.44; 183.465; 183.466; 183.54; 183.62; 326B.958; 326B.964; 326B.966; 326B.982; 326B.998*

History: *13 SR 1917; 18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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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 326B.978, subdivision 17. 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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.1100 [Repealed, 19 SR 591]
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5225.1110 BOILER OPERATION STANDARDS; ALL PLANTS.

Subpart 1. **Safe boiler operation.** All boilers, unless specifically exempted by Minnesota Statutes, section 326B.988, 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 by an operating engineer in compliance with this chapter. Specific minimum attendance requirements for hobby boilers are given in part 5225.1140 and specific minimum attendance requirements for high pressure plants are given in part 5225.1180.

In determining whether a boiler is operated, maintained, and attended in a prudent and attentive manner, the division and the chief engineer or operating engineer shall consider the recommendations of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VI, for low pressure and Section VII, for high pressure along with the following additional factors:

A. the size or capacity of the boiler plant;

B. the condition of boilers and appurtenances;

C. the frequency of boiler checks and past maintenance history;

D. the extent of public occupancy of the building containing the boiler plant;

E. the operating service conditions, including weather;

F. compliance with other statutes and rules of this division; and

G. any other factor which would adversely affect the safety of the boiler.

A logbook must be maintained in the boiler room by the chief engineer or an operating engineer designated by the chief engineer. The log shall document when the boiler checks were made, who made the boiler checks, and what specific checks of equipment were made. This log shall be made available to the boiler inspector during inspections and at other times upon request of the boiler inspector.

Subp. 2. **Unsafe boiler plant.** If the chief engineer or operating engineer has found the boiler to be in an unsafe condition, the engineer shall notify the owner or employer and the chief boiler inspector as soon as possible. If the unsafe boiler is not immediately taken out of service, the chief engineer or operating engineer shall ensure that the boiler is continuously monitored by an operating engineer, 24 hours per day, until the division has either sealed the object, verified that the unsafe condition has been corrected, or determined that continuous monitoring is no longer required.

Statutory Authority: *MS s 175.171; 183.001; 183.42; 183.44; 183.45; 183.465; 183.466; 183.54; 326B.958; 326B.964; 326B.96; 326B.966; 326B.982*

History: *19 SR 591; 21 SR 1897; L 2007 c 140 art 9 s 27; art 13 s 4*

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5225.1140 ATTENDANCE OF HOBBY BOILERS.

Subpart 1. [Repealed, 21 SR 1897]

Subp. 2. [Repealed, 21 SR 1897]

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; 183.001; 183.42; 183.44; 183.45; 183.465; 183.466; 183.54; 326B.958; 326B.96; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; 21 SR 1897; L 2007 c 140 art 9 s 27; art 13 s 4*

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5225.1180 ATTENDANCE AT HIGH PRESSURE PLANT.

Subpart 1. **Attendance; plant of 0 to 50 horsepower.** At a minimum, a high pressure boiler plant of 0 to 50 horsepower, when in operation, must be visually observed at least once every 24 hours by an operating engineer. The operating engineer must document the findings and conditions in the boiler room logbook maintained pursuant to part 5225.1110.

Subp. 2. **Attendance; plant of 51 to 500 horsepower.**

A. A high pressure boiler plant of 51 to 500 horsepower may be left in operation unattended by an operating engineer for no more than two consecutive hours, except as permitted by item B or subpart 5. The operating engineer must visually observe the operating condition of the boiler and appurtenances at least every two hours and document the findings and conditions in the boiler room logbook maintained pursuant to part 5225.1110.

B. A high pressure boiler plant of 51 to 500 horsepower is exempt from the high pressure attendance requirements of item A if the plant is operated at low pressure. All boilers must either be shut down or shifted to low pressure. If a boiler is shifted to low pressure, it must have the following controls, safety devices, and conditions:

(1) the boiler must be equipped with high pressure controls and low pressure controls. These controls must be arranged so that they cannot be operated at the same time. The header connecting the low pressure controls to the boiler must have an isolation valve and a drain valve;

(2) the boiler must be equipped with fail-safe type safety controls for regulating pressure, water level, and fuel supply. Controls and safety devices must meet the minimum requirements for automatically fired boilers in Code Sections I, IV, and Controls and Safety Devices for Automatically Fired Boilers (CSD-1) of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code;

(3) the boiler must be equipped with a low pressure header designed to prevent the system pressure from exceeding 15 psi. The low pressure header must have ASME code stamped safety valves set at 15 psi or less. The low pressure header safety valves must be constructed to ASME Code Section I or IV requirements;

(4) the low pressure header must be equipped with an isolation valve that isolates the header from the boiler or piping. The valve must be interlocked with the controls to prevent the valve from being opened when the system pressure is greater than 15 psi. The valve must be

interlocked with the high pressure controls to prevent the high pressure controls from operating when the valve is open;

(5) the building in which the boiler is located must not be occupied by the public or employees except for custodial, maintenance, or security personnel;

(6) an operating engineer must manually switch over the valves and controls between high and low pressure, enter the date and time of the switch in the boiler room logbook, and sign the logbook entry; and

(7) when the boiler is operating on low pressure, an operating engineer must visually observe the boiler operating conditions at least once every 24 hours and record the conditions in the boiler room logbook, pursuant to part 5225.1110.

Subp. 3. **Attendance; plant over 500 horsepower.**

A. A high pressure boiler plant of more than 500 horsepower, when in operation, requires constant attendance, except as otherwise provided in item B or subpart 5.

B. The operating engineer in a high pressure boiler plant of over 500 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 operating engineer must stay within 500 feet of the boiler room at all times during the shift.

Subp. 4. [Repealed, 42 SR 251]

Subp. 5. **Attendance; unoccupied plant.** This subpart applies to plants with individual boilers that are 51 to 500 horsepower located in an unoccupied plant.

A high pressure boiler 51 to 500 horsepower may participate in the remote monitoring program if it complies with the requirements in items A to N.

A. Boiler owners must submit an application in a manner prescribed by the commissioner to the department for review and approval to participate in the remote monitoring program for unoccupied plants.

B. The building must be completely unoccupied and the boiler owner must demonstrate with substantiated data that the unattended boiler is located within a safe unoccupied radius.

C. An operating engineer must perform the remote monitoring. The boiler owner must develop a written policy for safe response time for each individual boiler. The operating engineer must be able to respond to any of the safety concerns listed in item L within the safe response time specified in the policy.

D. The operating engineer must visually observe the operating condition of the boiler and appurtenances in person and document the findings and conditions in the boiler room logbook, maintained pursuant to part 5225.1110, at least once every 24 hours.

E. When remotely monitoring high pressure boilers 51 to 500 horsepower, the operating engineer must continuously monitor the following boiler conditions:

(1) water level for steam boilers;

(2) boiler pressure;

(3) temperature for high temperature hot liquid;

(4) stack temperature;

(5) feedwater flow;

(6) make-up water flow for high temperature hot liquid;

(7) steam flow;

(8) fuel flow, at burner;

(9) gas/oil pressure;

(10) concentration of carbon monoxide in boiler room; and

(11) a video camera providing a continuous live video feed of the burner, sight glass, and pressure gauge. The live video feed must be continuously available to the operating engineer for remote viewing.

F. The boiler must have two feed pumps that supply water to the boiler.

G. A boiler firing with gas must have a flammable gas detection system in the boiler room with a visible and audible alarm. The alarm must trigger before the gas reaches an explosive level. The alarms must be visible and audible inside the boiler room and on the remote monitoring device. Located immediately outside the boiler room door, there must be:

(1) visible and audible alarms;

(2) an independent remote water level indicator; and

(3) remote boiler shutdown switches.

H. Boilers using gas or liquid fuels must have a written fuel-rich condition shutdown procedure, which must be made available to the operators.

I. Each boiler must have written standard and emergency operating procedures, which include testing of all safety devices at the manufacturers' recommended scheduled intervals.

J. A diary must be maintained in the boiler room in a manner that prevents revisions, additions, or deletions. The diary must document, at a minimum, equipment start-up and shutdown times; equipment repairs; equipment inspections; equipment maintenance; equipment testing performed; and the name of the operating engineer documenting these actions, inspections, and tests performed. The diary must be provided to a national board-commissioned inspector upon request.

K. The remote monitoring device and system must have a communication failure alarm. The operating engineer must return to the boiler room immediately upon notification of a communication failure.

L. As recommended by the boiler manufacturer, the operating engineer must establish a primary set point that triggers an alarm and a secondary set point that automatically shuts down the boiler. The primary set point must trigger an alarm if the boiler conditions fall outside of the boiler's normal operating conditions but are within an operating range in which the boiler is safe to operate temporarily. The secondary set point must trigger the boiler to automatically shut down when the boiler conditions are outside of safe operating conditions. The following items must have primary and secondary set points:

(1) high and low water level for steam boilers;

(2) high and low boiler pressure;

(3) temperature for high temperature hot water heating;

(4) concentration of carbon monoxide in boiler room;

(5) fuel flow;

(6) steam flow;

(7) gas/oil pressure; and

(8) flammable gas detection.

A flame sensor must trigger an alarm when a flame is not detected and automatically shut down the boiler.

M. A national board-commissioned inspector must conduct both an initial internal and external inspection of the boilers to determine compliance with this subpart to qualify for remote monitoring. The internal inspection must be conducted while the boiler is not in operation. The external inspection must be conducted while the boiler is in operation. Annually thereafter, the national board-commissioned inspector must conduct internal and external inspections to ensure continued compliance with this subpart. The inspector must document the name of the water treatment company and the name of the certified water treatment specialist. The water treatment specialist must be certified to treat, test, and monitor the boiler water. Inspection reports must be submitted to the chief boiler inspector.

N. The water treatment specialist must establish a water treatment program that contains boiler water quality parameters. The specialist must monitor the program at least every 60 days by testing the boiler water and reviewing the operating engineer's test results. The operating engineer must test and document the results of the boiler water at least every 24 hours. The test results must be provided to the specialist, the national board-commissioned inspector, or chief boiler inspector upon request.

The boiler owner and operating engineer are responsible for ensuring that the boiler meets all of the requirements of the remote monitoring program identified in subpart 5. If the boiler owner or operating engineer determines that the boiler fails to meet the requirements of the remote monitoring program at any time, the owner or engineer must immediately comply with the constant attendance requirements in subpart 3 until all deficiencies are corrected and restored to compliance with the remote monitoring program. All deficiencies and subsequent corrections must be documented by the operating engineer in the diary.

If the chief boiler inspector or national board-commissioned inspector determines that the boiler fails to comply with the requirements of this subpart, the boiler is disapproved for the remote monitoring program and must begin immediate compliance with the constant attendance requirements identified in subpart 3. Reinstatement in the remote monitoring program is granted to the boiler owner by correcting the deficiency and obtaining verification of the correction from the national board-commissioned inspector. Evidence of the correction and verification must be submitted to the chief boiler inspector prior to reinstatement.

Statutory Authority: *MS s 175.171; 183.001; 183.42; 183.44; 183.45; 183.465; 183.466; 183.54; 326B.02; 326B.958; 326B.96; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; 21 SR 1897; L 2007 c 140 art 9 s 27; art 13 s 4; 42 SR 251*
Published Electronically: *September 5, 2017*

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 326B.952, subdivision 2.

Subp. 2. [Repealed, 19 SR 591]

Statutory Authority: *MS s 175.171; 183.42; 183.44; 183.465; 183.466; 183.54; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982;*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

5225.1400 [Repealed, L 2010 c 287 s 19]
Published Electronically: *July 30, 2010*

5225.2000 [Repealed, 13 SR 1917]
Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

5225.2100 STAMPS ON BOILER AND PRESSURE VESSELS.

Every boiler or pressure vessel, unless specifically exempted by Minnesota Statutes, section 326B.988, 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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

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.

Subp. 5. **Removing objects from inspection.** No object subject to inspection may be removed from the division's records and inspection requirements unless a commissioned inspector has reported on forms prescribed by the division that the object is permanently removed from service and the reason for its removal from service. Boilers and pressure vessels must be isolated from the common header or discharge piping by a means other than a valve, and the electrical and fuel supply must be disconnected from the object. An object may not be placed back into service without first being inspected and reported by a commissioned inspector.

Statutory Authority: *MS s 175.171; 183.001; 183.375; 183.41; 183.411; 183.42; 183.44; 183.465; 183.466; 183.54; 183.545; 326B.956; 326B.958; 326B.964; 326B.966; 326B.982; 326B.986*

History: *13 SR 1917; 19 SR 591; 25 SR 992; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

5225.2300 EXCEPTIONS TO THIS CHAPTER.

The objects described in Minnesota Statutes, section 326B.988, 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; 183.56; 326B.958; 326B.964; 326B.966; 326B.982; 326B.988*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

5225.2500 LOW WATER DEVICES.

Subpart 1. [Repealed, 13 SR 1917]

Subp. 2. [Repealed, 13 SR 1917]

Subp. 3. **Requirements.** The following must be equipped with a low water cutout that will shut off the fuel supply in case of a low water condition:

A. each automatically fired steam boiler; and

B. each automatically fired hot water heating boiler or other hot liquid boiler plants of two or more boilers with individual isolating valves connected to a common header with a total heat input exceeding 750,000 Btu per hour input.

Subp. 4. **Flow-sensing device required.** The following must have a flow-sensing device installed in the outlet piping instead of the low water fuel cutoff required in subpart 3 to automatically cut off the fuel supply when the circulating flow is interrupted:

A. a coil type boiler plant exceeding 750,000 Btu; and

B. a watertube boiler plant with heat input greater than 750,000 Btu per hour requiring forced circulation to prevent overheating of the coils or tubes.

Statutory Authority: *MS s 175.171; 183.44; 183.465; 183.466; 326B.964; 326B.966*

History: *13 SR 1917; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

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 326B.952 to 326B.998.

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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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 326B.91.

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 10 s 11; art 13 s 4*

Published Electronically: *February 19, 2009*

5225.2700 REPAIRS BY INSPECTORS PROHIBITED.

Boiler inspectors shall not make any of the repairs they order to boilers.

Statutory Authority: *MS s 175.171; 183.001; 183.42; 183.44; 183.45; 183.465; 183.466; 183.54; 326B.958; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; 21 SR 1897; L 2007 c 140 art 9 s 27; art 13 s 4*

Published Electronically: *February 19, 2009*

5225.2800 [Repealed, 13 SR 1917]

Published Electronically: *February 19, 2009*

5225.2900 SALES BY INSPECTORS PROHIBITED.

Boiler inspectors shall not sell, nor be interested in the sale directly or indirectly of articles or accessories used in the maintenance of boilers and steam machinery, to the owners of the boilers or pressure vessels which they inspect.

Statutory Authority: *MS s 175.171*

Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.3100 [Repealed, L 2010 c 287 s 19]
Published Electronically: *July 30, 2010*

5225.3150 [Repealed, L 2010 c 287 s 19]
Published Electronically: *July 30, 2010*

5225.3200 [Repealed, L 2010 c 287 s 19]
Published Electronically: *July 30, 2010*

5225.3300 GROUNDS FOR SUSPENSION OR DISMISSAL.

The failure of any inspector to comply with any of the foregoing rules may constitute sufficient grounds for the temporary suspension of such inspector; repeated neglect to comply with same shall be sufficient grounds for dismissal from the service.

Statutory Authority: *MS s 175.171*
Published Electronically: *February 19, 2009*

5225.3400 [Repealed, 19 SR 591]
Published Electronically: *February 19, 2009*

5225.3500 [Repealed, 19 SR 591]
Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.4200 WATER GAGE.

When the boiler operating pressure exceeds 100 pounds per square inch, the water gage 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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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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 lever-lifting 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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
Published Electronically: *February 19, 2009*

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 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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

Published Electronically: *February 19, 2009*

5225.4600 STOP VALVES.

Each steam-discharge outlet, except safety valve, reheater inlet and outlet, or superheater inlet connections, must be fitted with a stop valve located at an accessible point in the steam-delivery line and as near to the boiler nozzle as convenient and practicable. When the outlets are over two inches pipe size, the valve or valves used on the connection must be the outside-screw-and-yoke rising-spindle type to indicate at a distance by the position of its spindle whether it is closed or open. A plug-cock-type valve may be used provided the plug is held in place by a guard or gland, and it is equipped to indicate at a distance whether it is closed or open and it is equipped with a slow-opening mechanism.

Statutory Authority: *MS s 183.44; 183.465; 183.466; 326B.964; 326B.966*

History: *13 SR 1917; L 2007 c 140 art 9 s 27; art 13 s 4*

Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

Published Electronically: *February 19, 2009*

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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *13 SR 1917; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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NAVIGATION OF POWER BOATS ON INLAND WATERS

5225.6000 SCOPE.

Parts 5225.6000 to 5225.8600 govern boats, as defined by part 5225.6100, subpart 2, and their pilots.

Statutory Authority: *MS s 175.171; 183.38; 183.41; 183.42; 183.44; 183.62; 326B.952; 326B.958; 326B.998*

History: *18 SR 614; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6050 INCORPORATION BY REFERENCE.

Subpart 1. **Code of Federal Regulations, title 33.** To the extent referred to in parts 5225.6350 and 5225.6500, Code of Federal Regulations, title 33, section 86.01, and United States Code, title 33, sections 2002 to 2019, are incorporated by reference.

Subp. 2. **Code of Federal Regulations, title 46.** To the extent referred to in parts 5225.6140, 5225.6500, and 5225.7200, and not in its entirety, the Code of Federal Regulations, title 46, as revised on October 1, 1991, is incorporated by reference. Amendments subsequent to October 1991 are not incorporated.

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; 183.41; 183.42; 183.44; 183.465; 183.466; 183.54; 183.62; 326B.958; 326B.964; 326B.966; 326B.982; 326B.998*

History: *18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6100 DEFINITIONS.

Subpart 1. [Repealed, 18 SR 614]

Subp. 1a. **Scope.** To the extent referred to in parts 5225.6000 to 5225.8600, the terms in this part have the meanings given them.

Subp. 2. **Boat.** "Boat" means any vessel navigating inland waters of the state which is propelled by machinery or sails, is carrying passengers for hire, and is 21 feet or more in length.

Subp. 2a. **Length.** "Length" means the straight-line distance from the foremost part of the boat (bow) to the rear most part of the boat (stern).

Subp. 2b. **Passengers for hire.** "Passengers for hire" means the carriage of any persons by a boat for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, agent, or any other person interested in the boat. Passengers for hire does not include the pilot, the crew, or other persons employed or engaged in any capacity on board a boat in the business of that boat.

Subp. 3. **Under way.** "Under way" means a boat when it is not at anchor and is not made fast to the shore or ground.

Subp. 4. **Visible.** "Visible," when applied to lights, means visible on a dark night with a clear atmosphere.

Statutory Authority: *MS s 175.171; 183.38; 183.41; 183.42; 183.44; 183.62; 326B.952; 326B.958; 326B.998*

History: *18 SR 614; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6140 INSPECTION OF BOATS.

Subpart 1. **Inspections required.** Boats as defined by part 5225.6100, subpart 2, are required to have an annual safety inspection and boat hull inspection to carry passengers for hire. It is the boat owner's or lessee's responsibility to schedule and obtain the annual safety inspection or boat hull inspection as required in this part.

Subp. 1a. **Safety inspection.** An annual safety inspection by the department is required of any boat carrying passengers for hire. The owner or lessee of the boat shall affix a sticker provided by the department in a conspicuous place that is visible to other water craft that indicates the boat was inspected.

Subp. 1b. **Dry dock inspection.** A boat's hull shall be inspected in dry dock, separate from the annual safety inspection, by the department or by a certified marine surveyor. The dry dock inspection shall be a comprehensive inspection according to part 5225.6050, subpart 2. Boats with wooden hulls shall have an annual dry dock inspection. Boats with metal or composite hulls shall be subject to a dry dock inspection once every three years. The boat owner is responsible for obtaining an inspection of the boat hull required under this subpart, including its cost. Dry dock

inspections conducted by the department constitute a separate fee and shall be at the rates given in part 5225.8600, subpart 7.

Subp. 1c. **Coast Guard exemption.** A boat with a safety inspection conducted by the United States Coast Guard and authorized to carry passengers on waters under the jurisdiction of the United States Coast Guard is exempt from the annual safety inspection required under this part. A comprehensive boat inspection by the United States Coast Guard within the specified time frames exempts that boat from both the safety inspection and dry dock inspection requirements of this part. The boat owner shall provide the department written documentation or evidence that the boat passed the requisite inspections.

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 based on Code of Federal Regulations, title 46, as applicable to fresh water and inland waters, and the requirements in parts 5225.6000 to 5225.8600.

Statutory Authority: *MS s 175.171; 183.001; 183.375; 183.41; 183.411; 183.42; 183.44; 183.465; 183.466; 183.54; 183.545; 183.62; 326B.956; 326B.958; 326B.964; 326B.966; 326B.982; 326B.986; 326B.998*

History: *18 SR 614; 19 SR 591; 25 SR 992; L 2007 c 140 art 9 s 27; art 13 s 4*

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5225.6145 PILOT REQUIREMENTS.

All pilots must comply with parts 5225.0600, 5225.0700, and 5225.6000 to 5225.8600 and Minnesota Statutes, sections 326B.956 to 326B.998. The chief boiler inspector may revoke the license of any pilot who violates these provisions. In that event, the procedures of part 5225.0880 apply.

Statutory Authority: *MS s 175.171; 183.41; 183.42; 183.44; 183.62; 326B.958; 326B.998*

History: *18 SR 614; L 2007 c 140 art 9 s 27; art 13 s 4*

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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; 183.41; 183.42; 183.44; 183.465; 183.466; 183.54; 183.62; 326B.958; 326B.964; 326B.966; 326B.982; 326B.998*

History: *18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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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; 183.41; 183.42; 183.44; 183.465; 183.466; 183.54; 183.62; 326B.958; 326B.964; 326B.966; 326B.982; 326B.998*

History: *18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6170 DISPLAY OF LICENSE.

Licenses must be placed in a glass or plexiglass frame and be displayed in a conspicuous place in the pilot's station.

Statutory Authority: *MS s 175.171; 183.41; 183.42; 183.44; 183.62; 326B.958; 326B.998*

History: *18 SR 614; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6200 LIGHTS.

The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. If operated between sunset and sunrise, a vessel shall be equipped with a green light on the starboard side and a red light on the port side of the bow of the boat and shielded so they cannot be seen across the bow, and a white stern light visible from any angle within 360 degrees. Such boats shall have ready a lantern or flash light which shall be temporarily exhibited in sufficient time to avoid collision.

Statutory Authority: *MS s 183.38; 183.41; 326B.952*

History: *L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6300 [Repealed, 18 SR 614]
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5225.6350 RULES FOR NAVIGATION.

Subpart 1. **Code of Federal Regulations requirements; jurisdiction.** All boats must comply with United States Code, title 33, sections 2002 to 2019.

Subp. 2. **Towing rowboats.** Every boat that tows a rowboat shall provide oars on the rowboat regardless of whether the rowboat is equipped with an outboard motor.

Statutory Authority: *MS s 175.171; 183.41; 183.42; 183.44; 183.62; 326B.958; 326B.998*

History: *18 SR 614; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6400 [Repealed, 18 SR 614]
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5225.6500 EQUIPMENT.

Subpart 1. **Generally.** When under way, every boat shall carry oars or pole, an anchor, a fire extinguisher, and at least one approved life preserver for each passenger. If a pole is used, it must be at least 12 feet in length and have a hook attached to one end.

Subp. 2. **Code of Federal Regulations requirements.** In addition to the requirements of subpart 1, all boats must comply with the following equipment requirements:

A. fire extinguisher, Code of Federal Regulations, title 46, subpart 181.30;

B. bilge pumps, Code of Federal Regulations, title 46, section 182.25-10;

C. life preservers, Code of Federal Regulations, title 46, subpart 180.25, except section 180.25-20;

D. ring life buoys, Code of Federal Regulations, title 46, subpart 180.30;

E. distress signals, Code of Federal Regulations, title 46, subpart 180.35;

F. whistles, Code of Federal Regulations, title 33, subpart 86.01;

G. ventilation systems, Code of Federal Regulations, title 46, subpart 177.20 and section 182.15-45; and

H. anchors, Code of Federal Regulations, title 46, subpart 184.10.

Subp. 3. **First aid kit.** Each boat must have a first aid kit on board that is approved by the American Red Cross or an equivalent entity. The American Red Cross First Aid Kit for Car and Home is recommended, and is available from the American Red Cross, 11 Del Place, Minneapolis, Minnesota 55403.

Subp. 4. **First aid handbook.** All boats must have a first aid handbook on board. The American Red Cross Standard First Aid and Safety Handbook is recommended, and is available from the American Red Cross, 11 Del Place, Minneapolis, Minnesota 55403.

Subp. 5. **Battery covers.** All batteries must be covered with battery covers to eliminate sparking or arcing.

Statutory Authority: *MS s 175.171; 183.38; 183.41; 183.42; 183.44; 183.62; 326B.52; 326B.958; 326B.998*

History: *18 SR 614; L 2007 c 140 art 9 s 27; art 13 s 4*

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5225.6600 [Repealed, 18 SR 614]

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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; 183.38; 183.41; 183.42; 183.44; 183.465; 183.466; 183.54; 183.62; 326B.952; 326B.958; 326B.964; 326B.966; 326B.982; 326B.998*

History: *18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6800 [Repealed, 18 SR 614]
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5225.6900 ENGINE MUFFLERS.

Vessels propelled by an internal combustion engine shall at all times be so equipped as to completely and effectually "muffle" the sound of such engine by diverting its exhaust under water, or otherwise. Every vessel subject to these rules may be operated with mufflers or cutouts while actually competing in any race licensed to be held by the council or other governing body of the city, village, or town adjacent or nearest to that portion of the body of water on which such race is to be held.

Statutory Authority: *MS s 183.38; 183.41; 326B.952*

History: *L 2007 c 140 art 9 s 27; art 13 s 4*
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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.

Subp. 2. **Stability test.** A stability test is required before the boat is placed back in service when a boat's length or draft is changed, its superstructure increased, or its center of gravity is changed. The stability test must be witnessed by an inspector of the boiler division. The cost of the stability test must be paid by the boat owner.

Statutory Authority: *MS s 175.171; 183.41; 183.42; 183.44; 183.465; 183.466; 183.54; 183.62; 326B.958; 326B.964; 326B.966; 326B.982; 326B.998*

History: *18 SR 614; 19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6975 OPERATING PERMIT.

Subpart 1. **Requirement.** A boat owner shall obtain an annual permit for each boat to carry passengers for hire. The permit must be obtained prior to carrying any passengers for hire each calendar year.

Subp. 2. **Permit application.** The boat owner shall apply for an operating permit on a form approved by the commissioner with payment of the fee as prescribed in part 5225.8600, subpart 7.

The application shall be submitted at least 60 calendar days immediately preceding the boat owner's projected start date of operations.

Subp. 3. **Operating permit.** The commissioner shall issue the boat owner or lessee a permit upon receipt of a properly completed application and payment of the appropriate fee prescribed in part 5225.8600, subpart 7. The permit may include any limitations or information tailored to the individual boat determined to be appropriate by the chief boiler inspector.

The commissioner shall not issue a permit to a boat owner or lessee without the fee first being paid. A person operating a boat without an operating permit is guilty of a misdemeanor and is subject to a penalty in the amount of the cost of inspection up to a maximum of $1,000.

Statutory Authority: *MS s 175.171; 183.001; 183.375; 183.41; 183.411; 183.42; 183.44; 183.54; 183.545; 183.62; 326B.956; 326B.958; 326B.982; 326B.986; 326B.998*

History: *18 SR 614; 25 SR 992; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.6980 REVOCATION OF PERMIT; PENALTIES.

Any violation of parts 5225.6000 to 5225.8600 shall be grounds to revoke the operating permit. A person in charge of operating the boat who willfully, or from ignorance or gross neglect, creates or allows to be created any condition endangering human life is subject to the disciplinary procedures in part 5225.0880, and a boat owner who has knowledge of the condition, or of circumstances that would cause such a condition, is guilty of a gross misdemeanor under Minnesota Statutes, section 326B.998.

Statutory Authority: *MS s 175.171; 183.001; 183.375; 183.41; 183.411; 183.42; 183.44; 183.54; 183.545; 183.62; 326B.956; 326B.958; 326B.982; 326B.986; 326B.998*

History: *18 SR 614; 25 SR 992; L 2007 c 140 art 9 s 27; art 13 s 4*
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5225.7000 [Repealed, 18 SR 614]
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5225.7100 [Repealed, 18 SR 614]

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5225.7200 PASSENGER CAPACITY.

The passenger capacity of each boat shall be designated by the chief boiler inspector under Code of Federal Regulations, title 46, subpart 176.01-25.

Statutory Authority: *MS s 175.171; 183.38; 183.41; 183.42; 183.44; 183.62; 326B.952; 326B.958; 326B.998*

History: *18 SR 614; L 2007 c 140 art 9 s 27; art 13 s 4*

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5225.8600 FEES.

Subpart 1. [Repealed, L 2007 c 140 art 13 s 3]

Subp. 2. [Repealed, L 2007 c 140 art 13 s 3]

Subp. 3. [Repealed, L 2007 c 140 art 13 s 3]

Subp. 4. [Repealed, L 2007 c 140 art 13 s 3]

Subp. 5. [Repealed, L 2007 c 140 art 13 s 3]

Subp. 6. [Repealed, L 2007 c 140 art 13 s 3]

Subp. 7. [Repealed, L 2007 c 140 art 13 s 3]

Subp. 8. [Repealed, L 2007 c 140 art 13 s 3]

Subp. 9. [Repealed, L 2007 c 140 art 13 s 3]

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 326B.982, subdivision 2, 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. If a fee for inspection under Minnesota Statutes, sections 326B.956, 326B.958, 326B.96, 326B.968, or set pursuant to Minnesota Statutes, section 326B.986, is not paid within 60 days of the invoice date, the commissioner may assess a penalty under Minnesota Statutes, section 183.001, or seal the object inspected. If the fee under Minnesota Statutes, section 326B.99, subdivision 2, is not paid within 60 days of the invoice date, the commissioner may assess a penalty under Minnesota Statutes, section 183.001, or seal the object.

Statutory Authority: *MS s 175.171; 183.001; 183.375; 183.41; 183.411; 183.42; 183.44; 183.465; 183.466; 183.54; 183.545; 183.62; 326B.956; 326B.958; 326B.964; 326B.966; 326B.982; 326B.986; 326B.998*

History: *10 SR 1379; 12 SR 1148; 18 SR 614; 19 SR 591; 25 SR 992; L 2007 c 140 art 9 s 27; art 13 s 3,4*

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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 326B.96. 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; 326B.958; 326B.964; 326B.966; 326B.982*

History: *19 SR 591; L 2007 c 140 art 9 s 27; art 13 s 4*

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5225.9000 [Repealed, 19 SR 591]

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