

MASON'S MINNESOTA STATUTES

1927

PUBLISHED UNDER THE TERMS OF THE CONTRACT MADE BY THE
STATUTE COMPILATION COMMISSION FOR THE PUBLICATION OF
THE GENERAL STATUTES OF 1923

EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

COMPILED AND EDITED BY THE EDITORIAL STAFF OF THE
CITER-DIGEST COMPANY

WILLIAM H. MASON,
Editor in Chief.

MARTIN S. CHANDLER,
RICHARD O. MASON,
Assistant Editors.

Citer-Digest Company
St. Paul
1927

CHAPTER 31

INSPECTION OF STEAM VESSELS AND BOILERS

	Sec.
Appointment of district chief and deputy chief boiler inspectors and duties	5474
Who eligible	5475
Deputy inspectors	5476
Meetings—Rules—Violations	5477
Neglect to secure inspection	5478
Inspection by request—Certificate—Posting	5479
Examinations of master and pilots, establishing of regulations, licensing and revocations	5480
Inspection	5481
Tests	5482
Imperfect construction	5483
Special examination	5484
Fusible plug	5485
License to be renewed annually and grade authorized	5486
Examinations for classification and qualifications	5487
License—Revoked, when	5488
False certificate	5489
District boiler inspector to deliver certificates—Fees for inspection	5490
Additional help for chief boiler inspector and limitation of expenditures	5491
Residence boilers and railroad locomotives excepted	5492
Insurance companies to report to chief inspector	5493
Applications—To whom made—Sealing authorized in case of failure to make payment	5494

5474. District boiler inspector—Appointment, etc.—Inspections — Examinations — Fees — The Industrial Commission of Minnesota shall appoint a resident of each senatorial district as a district boiler inspector for such district, except in counties where there is more than one senatorial district, in which case there shall be appointed one district boiler inspector for such county, for a term of two years commencing July 1, 1927.

The district boiler inspector shall inspect all steam boilers and pressure vessels in use in his district not expressly excepted from such inspection by law, and shall issue and sign a license for such boiler, or a certificate condemning such boiler and sealing the same, upon forms to be prepared and furnished by the Industrial Commission of Minnesota. Each district boiler inspector shall examine all applicants residing in his district for second-class and special engineer's licenses, and shall certify the result of such examination to the said chief of the division of boiler inspection, whereupon such chief of the division of boiler inspection shall issue such license as the certification of the district boiler inspector shall show the applicant to be entitled to receive.

The chief of the division of boiler inspection, or his deputy, shall hold examinations at such time and place as he may fix and determine for the purpose of examining applicants for chief and first-class engineer's license, and shall give notice to all applicants of the time and place for such examination, and shall grant and sign such license certificates as such applicants may be entitled to receive upon such examination. All engineer's licenses shall be for a period of one year, with privilege of renewal upon application for such renewal and payment of the fee provided by law, not later than ten days after the expiration of such license.

The district boiler inspectors shall receive as full compensation for their services all fees collected by them for the inspection of boilers, pressure vessels, and hulls, and fifty per cent (50%) of all fees col-

lected by them for examination of applicants for engineer's license, and also fifty per cent (50%) of the annual renewal fees received from such engineers. Fifty per cent (50%) of such renewal fees shall be remitted to said chief of the division of boiler inspection.

The district boiler inspector shall make monthly reports to said chief of the division of boiler inspection in such form as shall be prescribed by the Industrial Commission of Minnesota.

All fees collected by the chief of the division of boiler inspection under this act shall be paid into the State Treasury in the manner provided by law for fees received by other state departments, to be credited to the Revenue Fund, except that fifty per cent (50%) of such license fees collected by said chief of the division of boiler inspection for chief and first-class engineer's licenses shall be paid to the district boiler inspector of the district in which the applicant resides.

Every district boiler inspector who shall collect fees in excess of Three Hundred Seventy-five Dollars (\$375.00) in any calendar month, after deducting such necessary expenses as may be allowed by the Industrial Commission of Minnesota, subject to the approval of the Commission of Administration and Finance, shall pay the excess of such sum of Three Hundred Seventy-five Dollars (\$375.00) and expenses into the State Treasury, to be credited to the Revenue Fund. Provided, that any such district boiler inspector whose fees amount to less than Three Hundred Seventy-five Dollars (\$375.00) in any one month, after deducting such expenses, shall have the right to retain a sufficient amount of fees collected in any succeeding calendar month in excess of the amount herein provided to be retained by him in such calendar month, to reimburse such district boiler inspector for any deficit due such inspector in such prior month. Provided, further, that any arrangement heretofore made between any district boiler inspector and the Governor of this state, by which it has been agreed that any part of the funds collected by such district boiler inspector should be and the same have been turned over or deposited to the credit of the State of Minnesota, is hereby approved, and any such sum or sums so agreed to be or having been turned over to the State of Minnesota is hereby accepted to be credited to the Revenue Fund. (R. L. '05, § 2168, G. S. '13, § 4737; amended '19, c. 240, § 1; '27, c. 378)

Explanatory note—Office of chief boiler inspector abolished. See § 53-38, herein.

Inspection of low-pressure boiler in private house under personal management (145-372, 177+497).

5475. Who eligible—Every boiler inspector shall be a man of good moral character, and qualified by experience in the construction of steam boilers, and shall have had at least ten years' actual experience in operating steam engines and boilers. He shall not be directly or indirectly interested in the manufacture or sale of boilers or steam machinery, or in any patented article required or generally used in the construction of engines or boilers. (2169) [4738]

77-355, 79+1038.

5476. Deputy inspectors—Each boiler inspector may

appoint one or more deputies, who shall possess the same qualifications and have the same authority as are prescribed for inspectors in § 5475. Each such deputy, before entering upon the duties of his office, shall take and subscribe the oath required by law, and file the same with the secretary of state. (2170) [4739]

5477. Meetings—Rules—Violations—In February of each year said inspectors shall meet as a board, at the capitol in St. Paul, and establish regulations for the inspection of vessels and boilers, and for the performance of their other duties. They shall prescribe regulations for the inspection of the hulls, machinery, boilers, steam connections, fire apparatus, live-saving appliances, and equipments of all vessels propelled in whole or in part by steam and navigating the inland waters of the state, which shall conform as near as may be to the requirements of the United States in similar cases, and when approved by the governor such regulations shall have the force of law. They shall designate the number of passengers that each steam vessel may safely carry, and no such vessel shall carry a greater number than is allowed by the inspector's certificate. Any owner, master or other person violating any regulation prescribed by said board shall be guilty of a misdemeanor. (2171) [4740]

5478. Neglect to secure inspection—Every owner, lessee or other person having charge of steam boilers, or any boat propelled in whole or in part by steam, not subject to inspection under the laws of the United States, shall cause the same to be inspected at least once each year by the boiler inspector; and every such owner, lessee or person in charge who shall raise steam or operate such boilers and machinery without such inspection shall be guilty of a misdemeanor. (2172) [4741]

5479. Inspection by request—Certificate—Posting—On the written application of its owner, lessee or manager, the inspector shall inspect the hull, boiler, machinery and equipments of each vessel and boiler subject to inspection under this chapter, once at least in each year, and shall satisfy himself that every such vessel is of a structure suitable for the service in which it is to be employed, has suitable accommodations for passengers and crew, and is in proper condition to be used in navigation with safety to life, and that life-preservers, floats, pumps, hose, anchors and other things necessary to insure safety have been provided. When the inspection has been completed and the inspector approves the vessel and its equipments throughout, he shall make, subscribe and file with the secretary of state a verified certificate of the facts found, and deliver a copy thereof to the owner or master, who shall post it in a conspicuous place on such vessel. He may collect a fee of ten dollars for inspection of each vessel of fifty tons burden or over, and five dollars for each of a less tonnage. (2173) [4742]

5480. Examinations of master and pilots, establishing of regulations, licensing and revocations—The chief boiler inspector or his deputy shall examine all masters and pilots of steamboats and vessels and all gasoline boats and vessels carrying passengers for hire on the inland waters of the state as to their qualifications and fitness, and if such persons be found trustworthy and competent to perform their duties as master or pilot, as the case may be, he shall issue a certificate authorizing the applicant to act as such master or pilot on the inland waters of the state designated in the certificate. The chief boiler inspector shall also make such regulations for the navigation of any such boat or vessel as will require the operation of the same without danger to life or property. He

shall revoke the license of any master, pilot or engineer found under the influence of intoxicating liquor when on duty or who otherwise disregards any prescribed regulation.

The chief boiler inspector or his deputy shall collect a fee of five dollars (\$5.00) for the examination of any applicant for a master or pilot's license and one dollar (\$1.00) for the annual renewal of any such license. In case the applicant for license as master or pilot successfully passes an examination, a license shall be issued to him without any other fee. Every owner, lessee, master or pilot violating any provision of this section or section 2173, shall be guilty of a misdemeanor. (R. L. '05 § 2174; G. S. '13 § 4743, amended '19 c. 240 § 2)

Constitutionality (145-372, 177+497).

5481. Inspection—Such inspectors shall inspect all steam boilers and steam generators before the same shall be used, and all such boilers at least once each year thereafter. They shall subject all boilers to hydrostatic pressure or hammer test, and ascertain by a thorough internal and external examination that they are well made and of good and suitable material; that the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the flues are circular in form; that the arrangements for delivering the feed water are such that the boilers cannot be injured thereby; and that such boilers and their steam connections may be safely used without danger to life or property. They shall also ascertain that the safety valves are of suitable dimensions, sufficient in number, and properly arranged, and that the safety valve weights are so adjusted as to allow no greater pressure in the boilers than the amount prescribed by the inspector's certificate; that there is a sufficient number of gauge cocks, properly inserted, to indicate the amount of water, and suitable gauges that will correctly record the pressure of steam; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace whenever the water in the boiler falls below its prescribed limit; and that provisions are made for an ample supply of water to feed the boilers at all times, so that in high-pressure boilers the water shall not be less than three inches above the top of the fire surface; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts when under pressure of steam. (2175) [4744]

5482. Tests—In subjecting high-pressure boilers to the hydrostatic test, the inspector shall assume one hundred and twenty-five pounds to the square inch as the maximum working pressure allowable for new boilers forty-two inches in diameter, double riveted, and made in the best manner, of plates one-fourth of an inch thick and of good material; but he shall rate the working power of all high-pressure boilers according to their strength compared with this standard, and in all cases the test applied shall exceed the working power allowed in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting low-pressure boilers to hydrostatic tests, he shall allow as a working power for each new boiler a pressure of only three-fourths the number of pounds to which it has been so subjected. If any inspector is of opinion that any boiler will not safely allow so high a working pressure, he may, for reason specially stated in his certificate, fix the pressure at less than the test pressure. No boiler or steam pipe, nor any of the connections therewith, which are made wholly or partly of bad material, or of cast iron, or which are unsafe from

any cause, shall be approved. But this shall not be construed to prevent the use of any boiler or steam generator not constructed of riveted iron or steel plates, when the inspector is satisfied by evidence that such boiler or generator is equal in strength to, and as safe from explosion as boilers of the best quality, constructed of riveted steel or iron plates. (2176) [4745]

5483. Imperfect construction—Every person who shall construct a boiler or steam pipe of iron or steel plates known to be faulty or imperfect, or shall drift any rivet hole to make it come fair, or who shall deliver any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be guilty of a gross misdemeanor, and punished by a fine of two hundred dollars, one-half of which shall be paid to the informer. (2177) [4746]

5484. Special examination—In addition to the annual inspection, the inspectors at any time, when in their opinion such examination shall be necessary, shall examine all boilers which have become unsafe, and notify the owners or operators of any defect, and what repairs are necessary; and such a boiler shall not thereafter be used until so repaired. Every person operating any such boiler who fails to comply with the inspector's requirements shall be guilty of a misdemeanor, and also liable for damages to persons or property resulting therefrom. (2178) [4747]

5485. Fusible plug—Every steam boiler shall be provided with a fusible plug, of good banca tin, inserted in the flues, crown sheet or other parts of the boiler most exposed to the heat of the furnace when the water falls below the prescribed limits. (2179) [4748]

Whether absence of fusible plug was negligence (150-520, 186+123.

5486. License to be renewed annually and grade authorized—Every owner or manager of a steam boiler shall allow inspectors full access to the same, and every engineer operating the same shall assist the inspector in his examination, and point out any known defects in the boilers or machinery in his charge. No person shall be entrusted with the operation of any steam boiler or steam machinery who has not received a license of such grade as to cover said steam boilers or steam machinery, which license shall be renewed annually. Every person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars. (R. L. '05 § 2180; G. S. '13 § 4749, amended '19 c. 240 § 3)

5487. Examinations for classifications and qualifications—Engineers shall be divided into four (4) classes: (1) Chief engineers; (2) first-class engineers; (3) second-class engineers; (4) special engineers.

To entitle them to licenses they shall make written application on blanks furnished by the inspector and shall successfully pass an examination for such grade of license as applied for.

1. A chief engineer shall be at least twenty-one (21) years of age, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery, and before receiving a license he shall take and subscribe an oath that he has had at least five years' actual experience in operating such boilers and machinery.

2. A first-class engineer shall be at least twenty-one (21) years of age, be of such habits and have had

such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery of not more than three hundred (300) horsepower. Before receiving a license he shall take and subscribe an oath that he has had at least three years' actual experience in operating such boilers and machinery.

3. A second-class engineer shall be at least twenty-one (21) years of age, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery of not more than one hundred (100) horsepower. Before receiving a license he shall take and subscribe an oath that he has had at least one year of actual experience in operating such boilers and machinery.

4. A special engineer, upon examination, shall be sufficiently acquainted with the duties of an engineer as to justify the belief that he can be safely intrusted with steam boilers and steam machinery of not more than thirty (30) horsepower. (R. L. '05 § 2181; G. S. '13 § 4750, amended '19 c. 113 § 1; '19 c. 240 § 4)

The provisions with reference to classification, qualification, and licensing are not self-contradictory and unconstitutional (103-331, 115+167).

5488. License — Revoked, when—Whenever complaint shall be made by any person against an engineer holding a license that, through negligence, want of skill, inattention to duty, or violation of any provision of this chapter, he has permitted his boiler to burn or otherwise become in bad condition, the inspector who granted his license, upon satisfactory proof of such negligence, shall revoke the same. Any engineer aggrieved by such revocation may appeal to the board of inspectors, whose decision in the case shall be final. (2182) [4751]

5489. False certificate—In making the inspection of boilers, machinery or steam vessels, the inspectors may act jointly or separately, but shall in all cases verify the certificate of inspection. Every inspector who shall wilfully certify falsely regarding any steam boiler or its attachments, or the hull and equipments of any steam vessel, or who shall grant a license to any person to act as engineer, master, or pilot contrary to the provisions of this chapter, shall be guilty of a felony, and be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the state prison for not more than one year, or by both. In addition to such punishment, he shall forthwith be removed from office. (2183) [4752]

5490. District boiler inspector to deliver certificates — Fees for inspection—After examination and tests, if the district boiler inspector shall find any steam boiler or pressure vessel safe and suitable for use, he shall deliver to the chief boiler inspector a verified certificate in such form as the chief boiler inspector shall prescribe, containing a specification of the tests applied and the working pressure allowed, a copy of which the district boiler inspector shall furnish to the owner of the boiler or pressure vessel, who shall post and keep the same in a conspicuous place on or near such boiler or pressure vessel. The district boiler inspector shall be entitled to a fee of three (\$3.00) dollars for the inspection of each boiler or pressure vessel and its connections, payable on delivery of the certificate. The fee for the examination for an engineer's license shall be: Chief engineer, \$7.00; first-class, \$5.00; second-class, \$3.00, and special, \$2.00, and for each yearly renewal, \$1.00. Fifty per cent (50%) of all license fees shall go to create a fund to be known

as the boiler inspectors' fund and fifty per cent (50%) to the inspector of the district where the examination is held or renewal made. Which fee shall accompany the application. (R. L. '05 § 2184; G. S. '13 § 4753, amended '19 c. 240 § 5)

5491. Additional help for chief boiler inspector and limitation of expenditures—The chief boiler inspector may, with the consent of the governor, appoint such additional help as shall require to carry out the work of his office. But at no time shall the salaries and expenses authorized by this act exceed the amount appropriated for carrying out the provisions thereof; provided, that in no event shall the disbursements of this act exceed the fees collected. (R. L. '05 § 2185; G. S. '13 § 4754, amended '19 c. 240 § 6)

5492. Residence boilers and railroad locomotives excepted—The provisions of this act shall not apply to heating plants in buildings occupied solely for residence purposes with accommodations herein not to exceed four families, nor to railroad locomotives, nor to railroad locomotive engineers employed by railroad companies. (R. L. '05 § 2186; G. S. '13 § 4755, amended '19 c. 240 § 7)

5493. Insurance companies to report to chief inspector—(a) Every insurance company insuring boilers and pressure vessels in this state shall within fifteen days after inspecting any such boiler or pressure vessel make, in duplicate, a report in writing, showing the date of such inspection, the name of the person making the inspection, the condition of such boiler or pressure vessel as disclosed by such inspection, whether the same is operated by a licensed engineer and whether a policy of insurance has been issued by said company with reference to said boiler or pressure vessel. Such insurance company shall within said period of fifteen days mail one of such reports to the chief boiler inspector and shall deliver one of such reports to the person, firm or corporation owning or operating such boiler or pressure vessel.

Every boiler or pressure vessel as to which any insurance company authorized to do business in this state has issued a policy of insurance, after the inspection thereof, shall be exempt from other inspection under the provisions of this act, while the same continues to be insured; provided, the person, firm or corporation owning or operating the same shall have an unexpired certificate of exemption from inspection, which certificate shall be issued by the chief boiler in-

spector upon application by the holder of a report of inspection made by the insurance company as hereinbefore set forth and showing that a policy of insurance has been issued by such insurance company with reference to such boiler or pressure vessel and the payment to the chief boiler inspector of a fee of fifty cents therefor. Such certificate of exemption shall expire one year from the date of the report of inspection of the boiler or pressure vessel to which it relates. Such certificate shall be posted in a conspicuous place near the boiler or pressure vessel described therein and to which it relates. Every insurance company shall notify the chief boiler inspector, in writing of the cancellation or expiration of every policy of insurance issued by it with reference to policies in this state, and the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation has or will become effective.

Any insurance company which shall fail to comply with the requirements of this section shall be deemed guilty of a misdemeanor and fined not more than fifty dollars. ('19 c. 240 § 8)

5494. Applications—To whom made—Sealing authorized in case of failure to make payment—The chief boiler inspector shall prepare blank applications on which applications for engineers' licenses shall be made under oath of the applicant. Such blanks shall be so formulated as to elicit such information as is desirable to pass on the qualifications of the applicant.

Every applicant for an engineer's license shall make his application to the district boiler inspector of the district wherein the applicant resides and no license shall be granted by the district boiler inspector of any other district of this state if such applicant's license has been refused.

If the owner or lessee of any boiler or pressure vessel, which boiler or pressure vessel has been duly inspected, refuses to pay the required fee as provided by law within thirty (30) days from the date of such inspection, the district boiler inspector or the chief boiler inspector or his deputy, as the case may be, is hereby authorized and empowered to seal said boiler or pressure vessel until said fee is paid, and the owner, lessee or agent who breaks said seal or operates said boiler or pressure vessel before the fee has been paid shall be guilty of a misdemeanor. ('19 c. 240 § 9)

CHAPTER 31A

INSPECTION AND REGULATION OF AIRCRAFT.

Inspection by adjutant general—Certificates of inspection—Attaching to aircraft while operated	Sec. 5494-1
Pilots licenses—Of whom required—Revocation—Carrying and exhibition	5494-2
Exhibitions prohibited	5494-3
Fees for certificates and licenses	5494-4
Enforcement of law by adjutant general	5494-5
Penalty for violations of law	5494-6

5494-1. Inspection by adjutant general—Certificates of inspection—Attaching to aircraft while operated—No person shall operate any aircraft of any description, other than aircraft owned and operated by the state or the United States, within or over the State of Minnesota, unless such aircraft has first been in-

spected by the adjutant general as to its safe condition and airworthiness within six months prior to such operation, and certified by him to be safe and airworthy. Such certificate shall be in the form of an official seal or device furnished by the adjutant general to be attached to the aircraft at all times while operated. The maximum passenger carrying capacity of all such aircraft used or which can be used for carrying passengers will be determined by the adjutant general upon such inspection and stated upon such seal or device. No such aircraft shall be operated unless such certificate is attached thereto, nor while carrying a greater number of passengers than the maximum permitted by such certificate. ('25, c. 406, § 1)

5494
29 — 219
29 — 290

5494
Et seq.
31 — 214
31 — 273
31 — 354
1626¹

5494
Et seq.
31 — 300
4637

5494
29 — 217
See 1626¹

5494
Et seq.
33 — 314
33 — 430