

CHAPTER 183

ELEVATORS AND BOILERS

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ADMINISTRATION

183.001 ADMINISTRATION, PENALTIES.

The commissioner of the department of labor and industry shall administer chapter 183. In addition to the remedies provided for violations of this chapter, the commissioner may impose a penalty of up to \$1,000 for a violation of any provision of this chapter.

History: 1989 c 303 s 2

183.02 DEFINITIONS.

Subdivision 1. **Scope.** When used in this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of the department of labor and industry.

Subd. 3. **Department.** "Department" means the department of labor and industry.

History: 1989 c 303 s 3

183.022 ELEVATOR AVAILABLE FOR INSPECTION.

A person, firm, entity, or corporation that owns or controls a building or other structure housing an elevator that is subject to inspection by the department, shall, upon request, provide access at a reasonable hour to the elevator for purposes of inspection.

History: 1989 c 303 s 4

183.05 [Repealed, 1973 c 732 s 27]

183.06 [Repealed, 1973 c 732 s 27]

183.07 [Repealed, 1973 c 732 s 27]

183.08 [Repealed, 1973 c 732 s 27]

- 183.09 [Repealed, 1973 c 732 s 27]
- 183.10 [Repealed, 1973 c 732 s 27]
- 183.11 [Repealed, 1973 c 732 s 27]
- 183.12 [Repealed, 1973 c 732 s 27]
- 183.13 [Repealed, 1973 c 732 s 27]
- 183.14 [Repealed, 1973 c 732 s 27]
- 183.15 [Repealed, 1973 c 732 s 27]
- 183.16 [Repealed, 1973 c 732 s 27]
- 183.17 [Repealed, 1973 c 732 s 27]
- 183.18 [Repealed, 1973 c 732 s 27]
- 183.19 [Repealed, 1973 c 732 s 27]
- 183.20 [Repealed, 1973 c 732 s 27]
- 183.21 [Repealed, 1973 c 732 s 27]
- 183.22 [Repealed, 1973 c 732 s 27; 1976 c 2 s 168]
- 183.23 [Repealed, 1973 c 732 s 27]
- 183.24 [Repealed, 1973 c 732 s 27]
- 183.25 [Repealed, 1973 c 732 s 27]
- 183.26 [Repealed, 1973 c 732 s 27]
- 183.27 [Repealed, 1973 c 732 s 27]
- 183.28 [Repealed, 1973 c 732 s 27]
- 183.29 [Repealed, 1973 c 732 s 27]
- 183.30 [Repealed, 1973 c 732 s 27]
- 183.31 [Repealed, 1973 c 732 s 27]
- 183.32 [Repealed, 1973 c 732 s 27]
- 183.33 [Repealed, 1973 c 732 s 27]
- 183.34 [Repealed, 1973 c 732 s 27]

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- 183.35 [Repealed, 1955 c 561 s 6]

183.351 DEFINITIONS.

Subdivision 1. As used in sections 183.351 to 183.356 the terms "passenger or freight elevator," "automatic operation" and "continuous pressure operation" shall have the following meanings.

Subd. 2. Passenger or freight elevator shall mean all elevators except those that comply with the safety rules of the department of labor and industry relating to construction and installation and that have automatic operation or continuous pressure operation.

Subd. 3. Automatic operation shall mean operation wherein the starting of the elevator car is effected in response to momentary actuation of operating devices at the landing or of operating devices in the car identified with the landings, or both, or in response to an automatic starting mechanism and wherein the car is stopped automatically at the landings.

Subd. 4. Continuous pressure operation shall mean operation by means of buttons or switches in the car and at the landing, any one of which may be used to control the movement of the car as long as the button or switch is manually maintained in the actuating position.

Subd. 5. As used in this chapter, "elevator" means moving walks and vertical transportation devices such as escalators, passenger elevators, freight elevators, dumb-waiters, handpowered elevators, endless belt lifts, and wheelchair platform lifts, but does not include external temporary material lifts, temporary construction personnel

elevators at sites of construction of new or remodeled buildings, or elevators in owner-occupied buildings of no more than four living units.

Subd. 6. **Municipality.** "Municipality," as used in sections 183.351 to 183.358, means a city, county, or town meeting the requirements of section 368.01, subdivision 1.

History: 1955 c 561 s 1; Ex1967 c 1 s 6; 1985 c 248 s 70; 1989 c 303 s 5,6

183.352 ELEVATOR OPERATORS.

The owner, manager, or lessee of any building in which there is installed a passenger or freight elevator, as hereinafter defined, shall designate a competent person or competent persons regularly to operate such elevator; provided, however, that any such owner, manager or lessee may arrange with one or more tenants of such building to designate one or more of their employees regularly to operate such elevator. No person not so designated shall operate any such elevator and no person shall employ or permit a person not so designated to operate any such elevator. The foregoing prohibitions shall not apply during any period of time when any such elevator is being constructed, installed, inspected, repaired or maintained.

History: 1955 c 561 s 1; 1986 c 444

183.353 LICENSING AUTHORITIES.

Any city may by ordinance establish a licensing authority with jurisdiction over all passenger and freight elevators within such city, fix the initial and renewal fee for, and the period of duration of, licenses to operate such elevators, and setting forth the requirements for applicants for and the terms and conditions of licenses to operate such elevators.

History: 1955 c 561 s 2; 1973 c 123 art 5 s 7

183.354 ELEVATORS, ENTRANCES SEALED.

It shall be the duty of the department of labor and industry and the licensing authority of any city which adopts any such ordinance whenever it finds any such elevator under its jurisdiction in use in violation of any provision of sections 183.351 to 183.355 to seal the entrances of such elevator and attach a notice forbidding the use of such elevator until the provisions thereof are complied with.

History: 1955 c 561 s 3; Ex1967 c 1 s 6; 1973 c 123 art 5 s 7

183.355 VIOLATIONS, PENALTIES.

Subdivision 1. **Removal of seal.** No person, firm or corporation may remove any seal or notice forbidding the use of an elevator, except by authority of the department of labor and industry or the licensing authority having jurisdiction over the elevator, or operate an elevator after a notice has been attached forbidding its use, unless the notice has been removed by authority of the department of labor and industry or the licensing authority having jurisdiction over the elevator.

Subd. 2. **False certification.** No inspector, or other party authorized by this section or by rule to inspect elevators, may falsely certify the safety of an elevator, or grant a license or permit contrary to any provision of this chapter.

Subd. 3. **Minimum requirements.** No person, firm, or corporation may construct, install, or repair an elevator that does not meet the minimum requirements of this chapter, adopted rules, or national codes adopted by rule.

History: 1955 c 561 s 4; Ex1967 c 1 s 6; 1989 c 303 s 7

183.356 LICENSES FOR OPERATORS.

In the event an operator is employed to operate an automatic elevator or continuous pressure elevator as provided in sections 183.351 to 183.355, such operator shall be duly licensed as provided in sections 183.351 to 183.355.

History: 1955 c 561 s 5

183.357 FEES FOR LICENSURE AND INSPECTION.

Subdivision 1. **Permits.** No person, firm, or corporation may construct or install an elevator without first filing an application for a permit with the department of labor and industry or a municipality authorized by subdivision 3 to inspect elevators. Projects under actual construction before July 1, 1989, are not required to obtain a permit from the department. Upon successfully completing inspection and the payment of the appropriate fee, the owner must be granted an operating permit for the elevator.

Subd. 2. **Contractor licenses.** The commissioner may establish criteria for the qualifications of elevator contractors and issue licenses based upon proof of the applicant's qualifications.

Subd. 3. **Permissive municipal regulation.** A municipality that conducts a system of elevator inspection on a periodic basis in conformity with this chapter, state building code requirements, and adopted rules, and that employs or contracts with inspectors meeting the minimum requirements established by rule, may provide for the inspection of elevator installation, repair, construction, and the periodic routine inspection of elevators. A municipality may not adopt standards that do not conform to the uniform standards prescribed by the department.

If a municipality does not conduct elevator inspections as provided in this chapter, or if the commissioner determines that a municipality is not properly administering and enforcing the law, rules, and codes, the commissioner shall have the inspection, administration, and enforcement undertaken by a qualified inspector employed by the department.

Subd. 4. **Deposit of fees.** Fees received under this section must be deposited in the state treasury and credited to the special revenue fund.

History: 1989 c 303 s 8

183.358 RULES.

The commissioner may adopt rules for the following purposes:

- (1) to set a fee under section 16A.128 for processing a construction or installation permit or elevator contractor license application;
- (2) to set a fee under section 16A.128 to cover the cost of elevator inspections;
- (3) to establish minimum qualifications for elevator inspectors that must include possession of a current journeyman elevator electrician's license issued by the state board of electricity and proof of successful completion of the national elevator construction mechanic examination or equivalent experience;
- (4) to establish criteria for the qualifications of elevator contractors;
- (5) to establish elevator standards under sections 16B.61, subdivisions 1 and 2, and 16B.64; and
- (6) to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers, and others knowledgeable in the installation, construction, and repair of elevators.

History: 1989 c 303 s 9

183.36 [Repealed, 1955 c 561 s 6]

183.37 [Repealed, 1955 c 561 s 6]

BOILERS**183.375 DIVISION OF BOILER INSPECTION.**

Subdivision 1. **Management of division.** The department of labor and industry, division of boiler inspection, is hereby continued under the management, supervision, and control of the department of labor and industry.

Subd. 2. **Chief of division.** Subject to the provisions of chapter 43A, the commissioner shall appoint a chief and may appoint a deputy chief of the division of boiler inspection. The appointee shall be a qualified steam engineer with at least ten years of operation experience as such, five years of boiler inspection experience, and shall be licensed as a chief Grade A engineer in this state and shall possess a current commission issued by the national board of boiler and pressure vessel inspectors. Inspectors employed in the division of boiler inspection may utilize up to five years of equivalent experience as inspectors, in satisfying the requirement of ten years of experience as steam engineers for the chief and deputy chief positions.

Subd. 3. **Inspectors.** The department may employ such inspectors and other persons as are necessary to efficiently perform the duties and exercise the powers imposed upon the division of boiler inspection.

Subd. 4. **Powers and duties.** Subject to the provisions of chapter 43A, the department shall prescribe the duties of the division of boiler inspection.

Subd. 5. **Fees.** All fees collected by the division of boiler inspection shall be paid into the state treasury in the manner provided by law for fees received by other state departments and credited to the general fund. When fees are to be set by the commissioner, they shall be set pursuant to section 16A.128.

Subd. 6. **Reports and notices.** All reports and notices heretofore required by law to be made or given to the board of boiler inspectors, or the chief boiler inspector shall be made or given to the department.

History: (4203, 4204, 4207, 4208) 1921 c 83 s 1,2,5,6; 1957 c 503 s 2; 1965 c 303 s 1; Ex1967 c 1 s 6; 1969 c 399 s 49; 1981 c 210 s 54; 1982 c 379 s 1; 1983 c 301 s 155; 1987 c 70 s 1

183.38 BOILER INSPECTOR; INSPECTIONS; EXAMINATIONS; LICENSES.

Subdivision 1. **All boilers inspected.** The division of boiler inspection shall inspect all boilers and pressure vessels in use not expressly excepted from such inspection by law. Immediately upon inspection the division of boiler inspection shall issue a certificate of inspection therefor or a certificate condemning the boiler or pressure vessel and shall seal it. Forms for these licenses and certificates shall be prepared and furnished by the commissioner. The division of boiler inspection shall examine all applicants for engineer's licenses. The chief of the division of boiler inspection shall issue such license to an applicant as the examination shall show the applicant is entitled to receive.

Subd. 2. **Inspector's examination.** For the purpose of examining applicants for license the chief of the division of boiler inspection or the deputy chief shall fix and determine a time and place for the examinations, and give notice to all applicants of the time and place. The chief or the deputy chief shall grant and sign such license certificates as applicants are entitled to receive upon examination. Applicants may be examined and issued certificates of competency as inspectors of boilers and pressure vessels.

History: (5474) RL s 2168; 1919 c 240 s 1; 1927 c 378; 1957 c 503 s 3; 1982 c 379 s 2; 1992 c 464 art 1 s 26

183.39 PERSONS ELIGIBLE.

Subdivision 1. Each boiler inspector shall be a person of good moral character, shall be licensed in this state as a chief grade A engineer and must hold a national board commission as a boiler inspector within 12 months of being employed as a boiler inspector by the department. An inspector shall not be 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 or their appurtenances.

Subd. 2. [Repealed, 1982 c 379 s 27]

History: (5475) RL s 2169; 1957 c 503 s 4; 1974 c 161 s 11; 1982 c 379 s 3

183.40 [Repealed, 1957 c 503 s 24]

183.41 BOATS; RULES.

Subdivision 1. "Boat" means any boat or vessel propelled by mechanical power used and operated for carrying passengers for hire on any inland waters of the state.

Subd. 2. The department shall prescribe rules for the inspection of the hulls, machinery, boilers, steam connections, fire fighting apparatus, life saving appliances and equipment of all power boats navigating the inland waters of the state, which shall conform to the requirements and specifications of the United States Coast Guard as provided in Code of Federal Regulations, title 46, in similar cases; these rules shall have the force of law.

Subd. 3. The department shall designate the number of passengers that each boat may safely carry, and no such boat shall carry a greater number than is allowed by the inspectors certificate.

History: (5477) *RL s 2171; 1957 c 503 s 5; Ex1967 c 1 s 6; 1982 c 379 s 4; 1985 c 248 s 70*

183.411 STEAM FARM TRACTION ENGINES; SHOW BOILERS AND ENGINES.

Subdivision 1. **Definition.** For the purpose of this section "stationary show boiler" means a boiler that is used only for display and demonstration purposes. In recognition of the historical significance of show boilers in maintaining a working reminder of Minnesota's agricultural and lumber industries, show boilers and engines are considered to be historical artifacts.

Subd. 1a. **Waiver.** A hobby boiler or show engine, not certified in Minnesota or any other jurisdiction, may be certified pursuant to the standards set out in subdivision 2.

The requirements of subdivision 2, paragraph (b), clause (1), for full radiographic examination of the long or longitudinal seam must be waived by the commissioner if:

- (1) the other requirements of subdivision 2, paragraphs (b) and (c) are met; and
- (2) the safety valve required by subdivision 2, paragraph (c), clause (2), is set at the maximum allowable working pressure determined consistent with the requirements of subdivision 2, paragraph (b), clause (2), or 100 pounds per square inch, whichever is lower, and if the maximum allowable working pressure is greater than 100 pounds per square inch, the owner of the boiler agrees with the lower safety valve setting.

Subd. 2. **Inspection.** When used only for display and demonstration purposes, steam farm traction engines, portable and stationary show engines and portable and stationary show boilers shall be inspected every two years according to law.

(a) Boilers or show engines of lap seam construction not certified in Minnesota or previously certified in Minnesota but that have been repaired or altered after certification, may be certified in Minnesota if:

- (1) all alterations have been done in accordance with American National Standard ANSI/NB23 R-404 or R-505; or
- (2) form R-1, report of alteration, has been prepared by a registered professional engineer with verification by the authorized inspection agency responsible for the in-service inspection of the object in accordance with American National Standard ANSI/NB23 R-502; or

(3) the engine has received a certificate allowing operation, or repairs have been authorized under American National Standard ANSI/NB23 R-404.1, R-404.2, or R-404.3 in Minnesota or another jurisdiction that accepts the provisions of American National Standard ANSI/NB23 and an inspection has been completed by an inspector certified in Minnesota according to the standards set in paragraph (b).

(b) A hobby boiler or show engine, not certified in Minnesota or any other jurisdiction must successfully complete, at the owner's expense, inspection by:

- (1) full radiographic examination of the long or longitudinal seam; and
- (2) ultrasonic examination for metal thickness (for purposes of calculating the maximum allowable working pressure the thinnest reading shall be used - see also American National Standard ANSI/NB23 I-303.8); and

(3) magnetic particle or radiographic examination of areas where dye penetrant testing shows possible cracks; and

(4) hydrostatic testing at 1-1/2 maximum allowable working pressure.

(c) Further each such object shall successfully complete an inspection of:

(1) the fusible plug;

(2) the safety valve, which must be of American Society of Mechanical Engineer's approved design and set at the maximum allowable working pressure and sealed in an appropriate manner not allowing tampering with the valve setting without destroying the seal; and

(3) the boiler power piping.

Any longitudinal cracks found in riveted longitudinal seams requires that the vessel be sealed and not approved for use in Minnesota. If the boiler or show engine is jacketed, the jacket must be removed prior to inspection.

Subd. 2a. Inspection fees. The commissioner may set fees for inspecting traction engines, show boilers, and show engines pursuant to section 16A.128.

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

(a) is 18 years of age or older;

(b) has two licensed second class, grade A engineers or steam traction engineers, or any combination thereof, cosign the application; attesting to the applicant's competence in operating said devices;

(c) passes a written test for competence in operating said devices;

(d) has at least 25 hours of actual operating experience on said devices; and

(e) pays the required fee.

A license shall be valid for the lifetime of the licensee. A one time fee set by the commissioner pursuant to section 16A.128, shall be charged for the license.

Subd. 4. Exemption. Any licensed steam engineer may operate steam farm traction engines, portable and stationary show engines and portable and stationary show boilers, subject to the apparatus and horsepower restrictions set forth in the license, without obtaining a license under subdivision 3.

Subd. 5. Licensed operator; presence required. An operator licensed under this section must be present when a traction engine, portable or stationary show engine, or portable or stationary show boiler is in operation and a member of the public is present.

History: 1980 c 601 s 1; 1981 c 38 s 1; 1983 c 301 s 156; 1986 c 444; 1987 c 70 s 2,3; 1988 c 719 art 19 s 2-4; 1991 c 331 s 1

183.42 INSPECTION EACH YEAR.

Every owner, lessee, or other person having charge of boilers, pressure vessels, or any boat subject to inspection under this chapter shall cause them to be inspected by the division of boiler inspection. Boilers and boats subject to inspection under this chapter must be inspected at least annually and pressure vessels inspected at least every two years except as provided under section 183.45. A person who fails to have the inspection required by this section shall pay to the commissioner a penalty in the amount of the cost of inspection up to a maximum of \$1,000.

History: (5478) RL s 2172; 1957 c 503 s 6; 1982 c 379 s 5; 1987 c 70 s 4; 1989 c 71 s 1

183.43 [Repealed, 1957 c 503 s 24]

183.44 EXAMINATIONS; RULES; LICENSING, REVOCATIONS.

Subdivision 1. Masters and pilots. The division of boiler inspection shall examine all masters and pilots of boats and vessels carrying passengers for hire on the inland

waters of the state as to their qualifications and fitness. If found trustworthy and competent to perform their duties as a master or pilot they shall be given a certificate authorizing them to act as such on the inland waters of the state.

Subd. 2. Rules. The division of boiler inspection shall make such rules for inspection and operation of boats subject to inspection under this chapter, boilers and pressure vessels, the licensing of engineers and pilots, and the navigation of any such boat or vessel as will require their operation without danger to life or property.

Subd. 3. Suspension, revocation. The division of boiler inspection may suspend or revoke the license of any master, pilot or engineer found under the influence of drugs or alcohol when on duty or who otherwise disregards the provisions of sections 183.375 to 183.62 or any rule promulgated thereunder.

History: (5480) *RL s 2174; 1919 c 240 s 2; 1957 c 503 s 7; 1982 c 379 s 6*

183.45 INSPECTION.

Subdivision 1. All boilers and steam generators must be inspected by the division of boiler inspection before they are used and all boilers must be inspected at least once each year thereafter except as provided under subdivision 2. Inspectors may subject all boilers to hydrostatic pressure or hammer test, and shall 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 connections may be safely used without danger to life or property. Inspectors shall ascertain that the safety valves are of suitable dimensions, sufficient in number, and properly arranged, and that the safety valves 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; and that the fusible metals are properly inserted where required 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; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts when under pressure.

Subd. 2. Qualifying boiler. (a) "Qualifying boiler" means a boiler of 200,000 pounds per hour or more capacity which has an internal continuous water treatment program approved by the department and which the chief boiler inspector has determined to be in compliance with paragraph (c).

(b) A qualifying boiler must be inspected at least once every 24 months internally and externally while not under pressure and at least once every 18 months externally while under pressure. If the inspector considers it necessary to conduct a hydrostatic test to determine the safety of a boiler, the test must be conducted under the direction of the owner, contractor, or user of the equipment under the supervision of an inspector.

(c) The owner of a qualifying boiler must keep accurate records showing the date and actual time the boiler is out of service, the reason or reasons therefor, and the chemical physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than 48 hours of operation which adequately show the condition of the water, and any elements or characteristics of the water capable of producing corrosion or other deterioration of the boiler or its parts.

(d) If an inspector determines there are substantial deficiencies in equipment or in boiler water treatment operating procedures, inspections of a qualifying boiler may be required once every 12 months until the chief boiler inspector finds that the substantial deficiencies have been corrected.

History: (5481) *RL s 2175; 1957 c 503 s 8; 1982 c 379 s 7; 1989 c 71 s 2*

183.46 TESTS.

In subjecting both high and low pressure boilers and pressure vessels to the hydrostatic test, and to determine the safe allowable working pressure, the inspector shall use the latest approved formula of the American Society of Mechanical Engineers Code.

History: (5482) *RL s 2176; 1957 c 503 s 9; 1982 c 379 s 8*

183.465 STANDARDS OF INSPECTION.

The engineering standards of boilers and pressure vessels for use in this state shall be that established by the current edition of the construction, operation and care of, in-service inspection and testing, and controls and safety devices codes of the American Society of Mechanical Engineers and amendments thereto and the rules of the division of boiler inspection adopted by the department of labor and industry.

History: *1957 c 503 s 10; Ex1967 c 1 s 6; 1969 c 1149 s 1; 1973 c 238 s 1; 1982 c 379 s 9*

183.466 STANDARDS OF REPAIRS.

The rules for repair of boilers and pressure vessels for use in this state shall be those established by the national board of boiler and pressure vessel inspectors inspection code and the rules of the division of boiler inspection adopted by the department of labor and industry.

History: *1982 c 379 s 10; 1988 c 719 art 19 s 5*

183.47 [Repealed, 1957 c 503 s 24]**183.48 SPECIAL EXAMINATION.**

At any time the inspector deems it necessary an examination shall be made of any boiler or pressure vessel which there is reason to believe has become unsafe, and notify the owners or operators thereof of any defect therein, and what repairs are necessary. Such boiler or pressure vessel shall not thereafter be used until so repaired. Boilers found to be operated by unlicensed or improperly licensed persons shall not be used until the operators are properly licensed. If circumstances warrant continued operation, approval may be given for continuing operation for a specific period of time, not to exceed 30 days, at the discretion of the boiler inspector.

History: (5484) *RL s 2178; 1957 c 503 s 11; 1982 c 379 s 11*

183.49 [Repealed, 1957 c 503 s 24]**183.50 INSPECTION OF BOILERS AND PRESSURE VESSELS.**

The owner or manager of a boiler or pressure vessel shall allow inspectors full access thereto. Every engineer operating a boiler shall assist the inspector in the examination, and point out any known defects in the boilers, steam engines or turbines in the engineer's charge.

History: (5486) *RL s 2180; 1919 c 240 s 3; 1939 c 399; 1947 c 563 s 1; 1957 c 503 s 12; 1957 c 876 s 1; 1982 c 379 s 12; 1986 c 444*

183.501 LICENSE REQUIREMENT.

(a) No person shall be entrusted with the operation of or operate any boiler, steam engine, or turbine who has not received a license of grade covering that boiler, steam engine or turbine. The license shall be renewed annually. When a violation of this section occurs the division of boiler inspection may cause a complaint to be made for the prosecution of the offender and shall be entitled to sue for and obtain injunctive relief in the district courts for such violations.

(b) For purposes of this chapter, "operation" shall not include monitoring of an automatic boiler, either through on premises inspection of the boiler or by remote elec-

tronic surveillance, provided that no operations are performed upon the boiler other than emergency shut down in alarm situations.

History: 1982 c 379 s 13

183.502 SCHOOL ENGINEER OPERATIONAL REQUIREMENTS.

Any custodial engineer employed by a school whose duties include the operation of a boiler shall be licensed pursuant to section 183.51, to operate the particular class of boiler used in the school.

History: 1982 c 379 s 14

183.505 APPLICATIONS FOR LICENSES.

The chief boiler inspector shall prepare blank applications on which applications for engineers' licenses shall be made under oath of the applicant. These blanks shall be so formulated as to elicit such information as is desirable to enable the examiners to pass on the qualifications of applicants.

History: (5494) 1919 c 240 s 9; 1957 c 503 s 19

183.51 EXAMINATIONS; CLASSIFICATIONS; QUALIFICATIONS.

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

(1) Chief engineers; Grade A, Grade B, and Grade C. (2) first class engineers; Grade A, Grade B, and Grade C. (3) second class engineers; Grade A, Grade B, and Grade C. (4) Special engineers.

Subd. 2. Applications. Any person who desires an engineer's license shall make a written application, on blanks furnished by the inspector. The person shall also successfully pass a written examination for such grade of license applied for.

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

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

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

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

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

Subd. 7. First-class engineer, grade A. A person seeking licensure as a first-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the person is competent to take charge of and be responsible for the safe operation

and maintenance of all classes of boilers, engines, and turbines and their appurtenances of not more than 300 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating such boilers, including at least two years experience in operating such engines or turbines.

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

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

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

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

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

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

Subd. 14. Current boiler operators. Any person operating a boiler other than a steam boiler on April 15, 1982 shall be qualified for application for the applicable class

license upon presentation of an affidavit furnished by an inspector and sworn to by the person's employer or a chief engineer. The applicant must have at least the number of years of actual experience specified for the class of license requested and pass the appropriate examination.

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

History: (5487) *RL s 2181; 1919 c 113 s 1; 1919 c 240 s 4; 1947 c 563 s 2; 1957 c 503 s 13; 1957 c 876 s 2; 1965 c 49 s 1; 1973 c 725 s 28-35; 1974 c 406 s 41; 1982 c 379 s 15; 1986 c 444; 1988 c 719 art 19 s 6-8*

183.52 REVOCATION OF LICENSE.

The chief boiler inspector or representative may issue cease and desist orders to any person found to be in violation of sections 183.375 to 183.62 or the rules adopted thereunder, or for otherwise operating or allowing a boiler or pressure vessel to be operated under unsafe or dangerous conditions, and may petition for enforcement of the order in the district court. The department may also suspend or revoke the license of any engineer for a violation.

History: (5488) *RL s 2182; 1957 c 503 s 14; Ex1967 c 1 s 6; ISp1981 c 4 art 1 s 91; 1982 c 379 s 16; 1986 c 444*

183.53 VERIFICATION OF CERTIFICATE.

In making an inspection of boilers, machinery, or vessels, inspectors may act jointly or separately. In all cases inspectors shall verify the certificate of inspection.

History: (5489) *RL s 2183; 1957 c 503 s 15; 1982 c 379 s 17*

183.54 BOILER INSPECTOR TO DELIVER CERTIFICATES; PAYMENT OF INSPECTION FEES.

Subdivision 1. Safety certificate. After examination and tests, if a boiler inspector finds any boiler or pressure vessel safe and suitable for use, the inspector shall deliver to the chief boiler inspector a verified certificate in such form as prescribed by the chief boiler inspector containing a specification of the tests applied and the working pressure allowed. A copy of the certificate is delivered to the owner of the boiler or pressure vessel, who shall place and retain the same in a conspicuous place on or near the boiler or pressure vessel.

Subd. 2. Fees. Fees for the inspection of boilers and pressure vessels are payable at the time of the delivery of the certificate.

Subd. 3. Failure to pay fee. 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 within 30 days from the date of the inspection, the chief boiler inspector, or deputy, may seal the boiler or pressure vessel until the fee is paid.

History: (5490) *RL s 2184; 1919 c 240 s 5; 1933 c 257; 1943 c 340 s 1; 1947 c 563 s 3; 1957 c 503 s 16; 1982 c 379 s 18; 1986 c 444*

183.545 FEES FOR INSPECTION.

Subdivision 1. Fee amount; vessels. The fees for the inspection of the hull, boiler, machinery, and equipments of vessels are to be set by the commissioner pursuant to section 16A.128, for vessels of 50 tons burden or over and vessels of less than 50 tons burden.

Subd. 2. Fee amounts; masters and pilots. The commissioner shall, pursuant to section 16A.128, set the fee for an examination of an applicant for a master's or pilot's license, for an annual renewal of a master's or a pilot's license, and for an annual renewal if paid later than ten days after expiration.

Subd. 3. Inspection fees. The fees for the annual inspection of boilers and biennial inspection of pressure vessels are to be set by the commissioner pursuant to section 16A.128, for:

- (a) boiler inaccessible for internal inspection;
- (b) boiler accessible for internal inspection;
- (c) boiler internal inspection over 2,000 square feet heating surface;
- (d) boiler internal inspection over 4,000 square feet heating surface;
- (e) boiler internal inspection over 10,000 square feet heating surface;
- (f) boiler accessible for internal inspection requiring one-half day or more of inspection time shall be billed at the established shop inspection fee rate;
- (g) pressure vessel for internal inspection via manhole; and
- (h) pressure vessel inaccessible for internal inspection.

An additional fee based on the scale of fees applicable to an inspection shall be charged when it is necessary to make a special trip for a hydrostatic test of a boiler or pressure vessel.

The commissioner shall, pursuant to section 16A.128, set shop inspection fees. Inspection time includes all time related to the shop inspection.

Subd. 4. Applicants fees. The commissioner shall, pursuant to section 16A.128, set the fee for an examination of an applicant for the following licenses:

- (a) chief engineer's license;
- (b) first class engineer's license;
- (c) second class engineer's license;
- (d) special engineer's license;
- (e) traction engineer's license; and
- (f) pilot's license.

If an applicant, after an examination, is entitled to receive a license, it shall be issued without the payment of any additional charge. Any license so issued expires one year after the date of its issuance. An engineer's license may be renewed upon application therefor and the payment of an annual renewal fee as set by the commissioner pursuant to section 16A.128.

Subd. 5. [Repealed, 1987 c 70 s 7]

Subd. 6. National board inspectors. The fee for an examination of an applicant for a national board of boiler and pressure vessels inspectors commission shall be set by the commissioner pursuant to section 16A.128.

Subd. 7. Nuclear endorsement. The fee for each examination of an applicant for a national board of boiler and pressure vessels commissioned inspectors nuclear endorsement shall be set by the commissioner pursuant to section 16A.128.

Subd. 8. Certificate of competency. The fee for issuance of the original state of Minnesota certificate of competency for inspectors shall be set by the commissioner pursuant to section 16A.128. This fee is waived for inspectors who paid the examination fee. The fee for an annual renewal of the state of Minnesota certificate of competency shall be set by the commissioner pursuant to section 16A.128, and is due January 1 of each year.

Subd. 9. Deposit of fees. Fees received under this section and section 183.57 must be deposited in the state treasury and credited to the general fund.

History: 1957 c 503 s 17; 1959 c 586 s 1; 1969 c 1148 s 30-32; 1974 c 427 s 1,2; 1978 c 485 s 1-4; 1982 c 379 s 19; 1983 c 301 s 157; 1Sp1985 c 13 s 296; 1987 c 70 s 5; 1989 c 335 art 4 s 106

183.55 [Repealed, 1957 c 503 s 24]

183.56 EXCEPTIONS.

The provisions of sections 183.38 to 183.62, shall not apply to:

- (1) boilers in buildings occupied solely for residence purposes with accommodations for not more than five families;
- (2) railroad locomotives operated by railroad companies for transportation purposes;
- (3) air tanks installed on the right-of-way of railroads and used directly in the operation of trains;
- (4) boilers and pressure vessels under the direct jurisdiction of the United States;
- (5) unfired pressure vessels having an internal or external working pressure not exceeding 15 p.s.i.g. with no limit on size;
- (6) pressure vessels used for storage of compressed air not exceeding five cubic feet in volume and equipped with an American Society of Mechanical Engineers code stamped safety valve set at a maximum of 100 p.s.i.g.;
- (7) pressure vessels having an inside diameter not exceeding six inches;
- (8) every vessel that contains water under pressure, including those containing air that serves only as a cushion, whose design pressure does not exceed 300 p.s.i.g. and whose design temperature does not exceed 210 degrees Fahrenheit;
- (9) boiler or pressure vessels located on farms used solely for agricultural or horticultural purposes; for purposes of this section, boilers used for mint oil extraction are considered used for agricultural or horticultural purposes, provided that the owner or lessee complies with the inspection requirements contained in section 183.42;
- (10) tanks or cylinders used for storage or transfer of liquefied petroleum gases;
- (11) unfired pressure vessels in petroleum refineries;
- (12) an air tank or pressure vessel which is an integral part of a passenger motor bus, truck, or trailer;
- (13) hot water heating and other hot liquid boilers not exceeding a heat input of 750,000 BTU per hour;
- (14) hot water supply boilers (water heaters) not exceeding a heat input of 500,000 BTU per hour, a water temperature of 210 degrees Fahrenheit, a nominal water capacity of 120 gallons, or a pressure of 160 p.s.i.g.;
- (15) a laundry and dry cleaning press not exceeding five cubic feet of steam volume;
- (16) pressure vessels operated full of water or other liquid not materially more hazardous than water, if the vessel's contents' temperature does not exceed 140 degrees Fahrenheit or a pressure of 200 p.s.i.g.;
- (17) steam powered turbines at paper-making facilities which are powered by steam generated by municipal steam district facilities at a remote location; and
- (18) manually fired boilers for model locomotive, boat, tractor, stationary engine, or antique motor vehicles constructed or maintained only as a hobby for exhibition, educational or historical purposes and not for commercial use, if the boilers have an inside diameter of 12 inches or less, or a grate area of two square feet or less, and are equipped with an American Society of Mechanical Engineers stamped safety valve of adequate size, a water level indicator, and a pressure gauge.

An engineers license is not required for hot water supply boilers.

An engineers license is not required for boilers, steam cookers, steam kettles, steam sterilizers or other steam generators not exceeding 100,000 BTU per hour input, 25 kilowatt, 2-1/2 horsepower or a pressure of 15 p.s.i.g.

Electric boilers not exceeding a maximum working pressure of 50 p.s.i.g., maximum of 30 kilowatt input or three horsepower rating shall be inspected as pressure vessels and shall not require an engineer license to operate.

History: (5492) *RL s 2186; 1919 c 240 s 7; 1955 c 817 s 1; 1957 c 503 s 1; 1Sp1981 c 4 art 1 s 92; 1982 c 379 s 20; 1987 c 70 s 6; 1987 c 382 s 1; 1991 c 331 s 2; 1992 c 436 s 1*

183.57 REPORT OF INSURER; EXEMPTION FROM INSPECTION.

Subdivision 1. Any insurance company insuring boilers and pressure vessels in this state shall make a written report thereof showing the date of inspection, the name of the person making the inspection, the condition of the boiler or pressure vessel as disclosed by the inspection, whether the same is operated by a properly licensed engineer, and whether a policy of insurance has been issued by the company with reference to the boiler or pressure vessel. Within 15 days after the inspection, the insurance company shall mail a copy of the report to the chief boiler inspector and a copy of the report to the person, firm, or corporation owning or operating the boiler or pressure vessel inspected. Such report shall be made annually for boilers and biennially for pressure vessels.

Subd. 2. 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, is exempt from inspection made under sections 183.375 to 183.62, while the same continues to be insured and the person, firm, or corporation owning or operating the same has an unexpired certificate of exemption from inspection, issued by the chief boiler inspector. The fee set by the commissioner pursuant to section 16A.128, on the first object inspected and on each object thereafter shall apply to each exempt object. A certificate of exemption expires one year from date of issue. The certificate of exemption shall be posted in a conspicuous place near the boiler or pressure vessel or in the plant office or boiler room described therein and to which it relates. Every insurance company shall give written notice to the chief boiler inspector 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 the cancellation or expiration. These notices of cancellation or expiration shall show the date of the policy and the date when the cancellation has or will become effective.

Subd. 3. [Repealed, 1957 c 503 s 24]

Subd. 4. **Certificate of exemption.** The division of boiler inspection may issue a billing and exemption certificate for each boiler and pressure vessel which the division records indicate shall be or has been inspected by an insurance company which is providing coverage for the boilers and pressure vessels. The division may determine the monthly schedule of the billings to be followed for each business insured.

History: (5493) 1919 c 240 s 8; 1957 c 503 s 18; 1959 c 148 s 1; 1969 c 1148 s 33; 1974 c 427 s 3; 1978 c 485 s 5; 1Sp1981 c 4 art 1 s 93; 1982 c 379 s 21,22; 1983 c 301 s 158

183.58 [Renumbered 183.505]**183.59 VIOLATIONS BY INSPECTORS.**

Every inspector who willfully certifies falsely regarding any boiler or its attachments, or pressure vessel, or the hull and equipments of any steam vessel, or who grants a license to any person to act as engineer, master, or pilot contrary to any provision of sections 183.375 to 183.62, is guilty of a misdemeanor. In addition to this punishment the inspector shall be removed from office forthwith.

History: 1957 c 503 s 20; 1979 c 102 s 13; 1Sp1981 c 4 art 1 s 94; 1982 c 379 s 23

183.60 VIOLATIONS IN CONSTRUCTION; REPAIR; SALE.

Subdivision 1. **Construction violation.** Every person who constructs a boiler, boiler piping, or a pressure vessel so as not to meet the minimum construction requirements of the American Society of Mechanical Engineers boiler and pressure vessel code, and the rules of the division of boiler inspection adopted by the department of labor and industry is guilty of a gross misdemeanor.

Subd. 2. **Repair violation.** Every person who repairs a boiler or pressure vessel by welding or riveting so as not to meet the minimum requirements established by the current edition of the national board of boiler and pressure vessel inspectors inspection

code and the rules of the division of boiler inspection adopted by the department of labor and industry is guilty of a gross misdemeanor.

Subd. 3. **Sale violation.** Every manufacturer, jobber, dealer or person selling or offering for sale a boiler or pressure vessel that does not meet the minimum construction requirements of the American Society of Mechanical Engineers boiler and pressure vessel code and the rules of the division of boiler inspection adopted by the department of labor and industry is guilty of a gross misdemeanor.

History: 1957 c 503 s 21; 1982 c 379 s 24

183.61 VIOLATIONS BY THOSE RESPONSIBLE FOR OPERATION.

Subdivision 1. **Violating rules.** Any owner, master, or other person violating any rule prescribed by the department of labor and industry is guilty of a misdemeanor.

Subd. 2. **Inspection violation.** Any person who causes to be operated, or operates, any boiler or boat without having the same inspected at least once each year or pressure vessel without having it inspected biennially, and without having the proper engineer or pilot license is guilty of a misdemeanor.

Subd. 3. **Boats.** Every owner, lessee, master, or pilot violating any provision of section 183.44 is guilty of a misdemeanor.

Subd. 4. **Failure to repair.** Every person operating or causing to be operated any boiler or pressure vessel after it has been examined and found to be unsafe and after the owner or operator thereof has been notified of any defect therein and what repairs are necessary to remedy the defect who fails to comply with the inspector's requirements is guilty of a misdemeanor.

Subd. 5. **Section 183.50 violation.** Every person who violates any provision of section 183.50 is guilty of a misdemeanor.

Subd. 6. **Insurance reports.** Any insurance company that fails to comply with the requirements of section 183.57 is guilty of a misdemeanor.

History: 1957 c 503 s 22; 1961 c 560 s 17; Ex1967 c 1 s 6; 1982 c 379 s 25; 1985 c 248 s 70

183.62 LIABILITY OF PERSONS OPERATING BOATS, BOILERS OR PRESSURE VESSELS; PENALTY.

Every person who shall apply, or cause to be applied, to a boiler or pressure vessel a higher pressure than is allowed by law, or by the inspector, officer, or person authorized to limit the same; and every owner and lessee of a boiler or pressure vessel having knowledge of such application, or of circumstances which would cause such an application, shall be guilty of a gross misdemeanor. Every captain or other person having charge of the machinery of a boat used for the conveyance of passengers in the waters of this state and every engineer or other person having charge of a boiler, steam engine, or other apparatus for generating or employing steam, who shall willfully, or from ignorance or gross neglect, create, or allow to be created any condition whereby human life is endangered, and every owner and lessee of a boat, boiler, steam engine, or other apparatus for generating or supplying steam who has knowledge of such a condition, or of circumstances which would cause such a condition, shall be guilty of a gross misdemeanor.

History: (10265) RL s 5003; 1982 c 379 s 26