

**SUBSTITUTE FOR
HOUSE BILL NO. 5164**

A bill to amend 2016 PA 407, entitled
"Skilled trades regulation act,"
by amending sections 907, 943, 945, and 947 (MCL 339.5907,
339.5943, 339.5945, and 339.5947) and by adding section 946.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 907. (1) The department, in consultation with the board,
2 shall promulgate rules for the safe construction, installation,
3 inspection, alteration, servicing, operation, and repair of boilers
4 in this state. For purposes of this subsection, the department by
5 rule may adopt **or amend all or any part of** an existing published
6 codification or national standards and any amendments and
7 interpretations of the codification or standards.

8 (2) A departure from the requirements of this section is



1 permitted in an unusual situation involving a boiler of special
 2 design or construction if the board is satisfied that a proposed
 3 facility will provide a degree of safety commensurate with the
 4 intent of this article.

5 (3) If the department receives an application and the
 6 appropriate fee, the board may without examination register an
 7 applicant for the use of a title described in section 931 if the
 8 applicant is a boiler operator or stationary engineer who is
 9 licensed or registered as a boiler operator or stationary engineer
 10 in another state or country or in a municipality whose requirements
 11 for licensure or registration are, at a minimum, substantially
 12 equivalent to the requirements of this state for registration, as
 13 determined by the board, and that other state or country or that
 14 municipality extends the same privileges through reciprocity to a
 15 boiler operator or stationary engineer who is registered in this
 16 state.

17 Sec. 943. A boiler used or proposed for use in this state
 18 shall be thoroughly inspected as to the boiler's construction,
 19 installation, and condition. All of the following apply for
 20 purposes of this inspection requirement:

21 (a) A power boiler, process boiler, or high pressure high
 22 temperature water boiler shall receive a certificate inspection
 23 annually and shall be externally inspected annually, while under
 24 pressure, within 6 months from the date of the certificate
 25 inspection.

26 (b) A low pressure steam or vapor heating boiler ~~, hot water~~
 27 ~~heating boiler, or hot water supply boiler~~ shall receive a
 28 certificate inspection ~~biennially.~~ **every 2 years. A hot water**
 29 **heating boiler or hot water supply boiler shall receive a**



1 **certificate inspection every 3 years.**

2 (c) A grace period of 2 months beyond the periods described in
3 subdivisions (a) and (b) may elapse between certificate
4 inspections. ~~and the board may permit longer periods between~~
5 ~~certificate inspections.~~

6 **(d) On a case-by-case basis, as provided in rules promulgated**
7 **by the department, the board may permit longer periods of up to 36**
8 **months between certificate inspections described in subdivisions**
9 **(a) and (b).**

10 **(e)** ~~(d)~~—The chief inspector, a deputy inspector, or a special
11 inspector shall perform the inspection of a boiler.

12 **(f)** ~~(e)~~—If a hydrostatic test is considered necessary by the
13 inspector, the owner or user of the boiler shall perform that test.

14 **(g)** ~~(f)~~—A boiler, other than a cast iron sectional boiler,
15 that is to be installed in this state shall be inspected during
16 construction, as required by the applicable rules of the board, by
17 an inspector who is licensed to inspect boilers in this state. If
18 the boiler was constructed outside of the state, the boiler shall
19 have been inspected by an inspector who holds a license as an
20 inspector of boilers for a state that has a standard of examination
21 substantially equal to that of this state or a license issued by
22 the National Board of Boiler and Pressure Vessel Inspectors.

23 Sec. 945. (1) Within 30 days following a boiler certificate
24 inspection required under this article, the chief inspector, a
25 deputy inspector, or the person that employs a special inspector
26 who performed the inspection shall file a report of the inspection
27 with the chief inspector, on a form approved by the board. A form
28 may be 1 of the forms recommended by the National Board of Boiler
29 and Pressure Vessel Inspectors. A report of an external inspection



1 is not required unless the external inspection discloses that a
2 boiler is in a dangerous condition.

3 (2) If a report filed under subsection (1) indicates that a
4 boiler complies with the rules of the board, the owner or user of
5 the boiler shall pay a fee, in an amount established by the
6 department under article 4, directly to the department and the
7 department shall issue to that owner or user an inspection
8 certificate that states the date of inspection and specifies the
9 maximum pressure under which the owner or user may operate the
10 boiler. **All of the following apply to an inspection certificate**
11 **issued under this section:**

12 (a) An inspection certificate is valid for not more than 12
13 months for a power boiler, except that the certificate is valid
14 during a **2-month** grace period under section ~~943.~~**943(c) or during an**
15 **extension approved by the board under section 943(d).** The grace
16 **period provided under section 943(c) only applies to a 12-month**
17 **certificate and does not apply to extensions approved by the board**
18 **under section 943(d) beyond the 12-month certificate.**

19 (b) An inspection certificate is valid for not more than 24
20 months for a low pressure steam or vapor heating boiler ~~—and~~ **36**
21 **months for a** hot water heating boiler ~~—or~~ hot water supply boiler,
22 except that the certificate is valid during a grace period under
23 section 943.

24 (c) An owner or user of a boiler shall post an inspection
25 certificate under glass in the room in which the boiler is located.
26 If the boiler is not located within the building, the owner or user
27 shall post the certificate in a location that is convenient to the
28 boiler that was inspected or in a place that is accessible to
29 interested parties.



1 (3) An inspection certificate issued for an insured boiler by
 2 a special inspector is not valid after the boiler for which the
 3 certificate was issued ceases to be insured by a company authorized
 4 by this state to carry the insurance, if the insurance was
 5 terminated because of an unsafe condition or a violation of a rule
 6 of the board.

7 (4) The chief inspector may suspend an inspection certificate
 8 if, in his or her opinion, the boiler for which the certificate was
 9 issued cannot be operated without harm to the public safety, or if
 10 the boiler is found not to comply with the rules promulgated under
 11 this article. A suspension of an inspection certificate shall
 12 continue in effect until the boiler conforms to the rules of the
 13 board and the inspection certificate is reinstated.

14 **Sec. 946. (1) A person shall not operate under pressure a**
 15 **boiler that is subject to the inspection requirements provided in**
 16 **this article without a valid inspection certificate.**

17 (2) A person shall not cause a boiler that is subject to the
 18 inspection requirements provided in this article to be operated at
 19 a pressure that exceeds the maximum operating pressure specified on
 20 the boiler's inspection certificate.

21 (3) In addition to any penalties or remedies under article 6,
 22 a person that violates this section is guilty of a misdemeanor
 23 punishable by a fine of not more than \$500.00, or imprisonment for
 24 not more than 60 days, or both. Each day a boiler is operated in
 25 violation of this section is a separate offense.

26 Sec. 947. (1) This article does not apply to or in any city
 27 that has a population of 600,000 or more according to the most
 28 recent decennial census.

29 (2) This article shall not be construed to require a license



1 or permit to repair a boiler located in a public utility or
2 industrial plant that repairs and maintains its own boilers in
3 accordance with accepted procedures and practices ~~and with any~~
4 **applicable rules promulgated by the department**, or to require a
5 license to replace a boiler located in a public utility or
6 industrial plant described in this subsection with a similar unit.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.

