

# HOUSE BILL NO. 5164

October 29, 2019, Introduced by Reps. Lilly, Sheppard, Alexander, Slagh, Filler, Green, Webber, Wendzel, Chirkun, Tate, Frederick, Hoitenga and Griffin and referred to the Committee on Regulatory Reform.

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



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1 rule may adopt **all or any part of** an existing published  
2 codification or national standards and any amendments and  
3 interpretations of the codification or standards.

4 (2) A departure from the requirements of this section is  
5 permitted in an unusual situation involving a boiler of special  
6 design or construction if the board is satisfied that a proposed  
7 facility will provide a degree of safety commensurate with the  
8 intent of this article.

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

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

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



1 (b) A low pressure steam or vapor heating boiler ~~, hot water~~  
2 ~~heating boiler, or hot water supply boiler~~ shall receive a  
3 certificate inspection ~~biennially.~~**every 2 years. A hot water**  
4 **heating boiler or hot water supply boiler shall receive a**  
5 **certificate inspection every 3 years.**

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

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

14 (e) ~~(d)~~ The chief inspector, a deputy inspector, or a special  
15 inspector shall perform the inspection of a boiler.

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

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

27 Sec. 945. (1) Within 30 days following a boiler certificate  
28 inspection required under this article, the chief inspector, a  
29 deputy inspector, or the person that employs a special inspector



1 who performed the inspection shall file a report of the inspection  
2 with the chief inspector, on a form approved by the board. A form  
3 may be 1 of the forms recommended by the National Board of Boiler  
4 and Pressure Vessel Inspectors. A report of an external inspection  
5 is not required unless the external inspection discloses that a  
6 boiler is in a dangerous condition.

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

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

23 (b) An inspection certificate is valid for not more than 24  
24 months for a low pressure steam or vapor heating boiler, hot water  
25 heating boiler, or hot water supply boiler, except that the  
26 certificate is valid during a grace period under section 943.

27 (c) An owner or user of a boiler shall post an inspection  
28 certificate under glass in the room in which the boiler is located.  
29 If the boiler is not located within the building, the owner or user



1 shall post the certificate in a location that is convenient to the  
2 boiler that was inspected or in a place that is accessible to  
3 interested parties.

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

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

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

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

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

29 **Sec. 947. (1) This article does not apply to or in any city**



1 that has a population of 600,000 or more according to the most  
2 recent decennial census.

3 (2) This article shall not be construed to require a license  
4 or permit to repair a boiler located in a public utility or  
5 industrial plant that repairs and maintains its own boilers in  
6 accordance with accepted procedures and practices ~~;~~**and with any**  
7 **applicable rules promulgated by the department,** or to require a  
8 license to replace a boiler located in a public utility or  
9 industrial plant described in this subsection with a similar unit.

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

