



AN ACT REVISING LAWS FOR REGULATION OF BOILERS AND STEAM ENGINES; ALLOWING FOR ACCEPTANCE OF INSPECTIONS OF TRACTION ENGINES THAT WERE PERFORMED IN ANOTHER STATE; EXEMPTING CERTAIN HOBBY BOILERS FROM REGULATION; ALLOWING APPLICATION WITHOUT EXAMINATION OF INDIVIDUALS LICENSED IN OTHER STATES; PROVIDING FOR FEES FOR INSPECTIONS OF TRACTION ENGINES; AMENDING SECTIONS 50-74-103, 50-74-209, 50-74-219, 50-74-306, AND 50-74-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-74-103, MCA, is amended to read:

"50-74-103. Boilers exempted. (1) This chapter ~~shall~~ does not apply to boilers under federal control.

(2) The provisions of this chapter requiring inspections, inspection fees, and certificates ~~shall~~ do not apply to:

(a) steam heating boilers operated at not over 15 pounds per square inch gauge pressure in private residences or apartments of six or less families or to hot water heating or supply boilers operated at not over 50 pounds per square inch gauge pressure and temperatures not over 250 degrees F when in private residences or apartments of six or less families; and

(b) boilers 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 2 square feet or less, and are equipped with a safety valve, a water level indicator, and a pressure gauge.

(3) ~~No persons~~ Persons operating any of the engines or boilers exempted from the operation of this chapter ~~shall~~ may not be required to procure a license from the department."

Section 2. Section 50-74-209, MCA, is amended to read:

"50-74-209. Required inspection intervals -- failure to comply with safety standards -- inspections through other states. (1) (a) All manually fired boilers and all boilers and banks of boilers rated with a total input

of 400,000 Btu's an hour or greater must be inspected at least once each year.

(b) All automatically fired boilers rated with an input of less than 400,000 Btu's an hour must be inspected at least once every 2 years, except that an automatically fired boiler in a school, day-care center, hospital, rest home, retirement center, or place of assembly with a capacity for more than 100 persons must be inspected once a year.

(c) Boilers exempt under the provisions of 50-74-103 do not require inspections.

(d) Upon written application, longer inspection intervals may be authorized by the department.

(2) In addition to the inspection required by subsection (1), it is the duty of each inspector to examine at proper times, when in the inspector's opinion an examination is necessary, all boilers that have become unsafe from any cause and to notify the owner or the person using the boilers of any defect and what repairs are necessary to render them safe.

(3) If a boiler is found, upon inspection, to violate safety standards set forth in rules referred to in 50-74-101, the department shall order the owner of the boiler to comply with the standards. An owner who negligently or knowingly fails to comply with an order is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 or more than \$100, imprisonment for not more than 60 days in a county detention center, or both.

(4) The department may accept valid inspections for traction engines that have been performed by other states."

Section 3. Section 50-74-219, MCA, is amended to read:

"50-74-219. Fee for inspection. (1) Whenever a department inspector inspects a boiler, the department shall charge and collect a fee prior to issuance of a boiler operating certificate in accordance with the following schedule:

- (a) operating certificate, \$31;
- (b) internal inspection, \$75;
- (c) external inspection:
 - (i) hot water heating and supply, \$35;
 - (ii) steam heating, \$50; and
 - (iii) power boiler and traction engine, \$70; and

(d) special inspection, \$50 an hour plus expenses.

(2) Fees collected under this section must be deposited in the state special revenue fund in an account credited to the department for administration of the boiler inspection program."

Section 4. Section 50-74-306, MCA, is amended to read:

"50-74-306. Traction licenses -- application without examination from other states. (1) The licenses named in 50-74-303 do not entitle the holder to operate a traction engine.

(2) A person who is entrusted with the care and management of traction engines or boilers on wheels is required to pass an examination testing the person's competency to operate that class of machinery and procure a traction license.

(3) A person who is entrusted with the care, management, and operation of steam locomotives not addressed by federal regulations is required to pass an examination testing the person's competency to operate that class of machinery and procure a traction license.

(4) The department may issue a license to an individual holding a valid license from another state upon application without examination if the requirements of 50-74-307(2) are met.

~~(4)~~(5) A traction license does not entitle its holder to operate any other class of steam machinery."

Section 5. Section 50-74-307, MCA, is amended to read:

"50-74-307. Requirements for traction licenses. (1) An applicant for a traction engineer's license:

~~(1)~~(a) must be 18 years of age or older;

~~(2)~~(b) shall attend a steam school approved by the department by rule and may apply steam school hours to the hour requirement established in subsection (3);

~~(3)~~(c) must have at least 50 hours total experience in the operation of steam traction engines; and

~~(4)~~(d) shall successfully pass a written examination prescribed by the department.

(2) The department may issue a license to an individual holding a valid license from another state under 50-74-306 if the individual is from a state that has standards greater than or equal to the state of Montana."

Section 6. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0271, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 271
INTRODUCED BY M. LANG

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