

Act No. 89
Public Acts of 2020
Approved by the Governor
June 16, 2020
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**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Lilly, Sheppard, Alexander, Slagh, Filler, Green, Webber, Wendzel,
Chirkun, Tate, Frederick, Hoitenga and Griffin

ENROLLED HOUSE BILL No. 5164

AN ACT to amend 2016 PA 407, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations in the skilled trades and to regulate persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain state and local governmental officers and entities, including the boards created under this act; to provide for the promulgation of rules; to provide for fees; to provide for penalties and civil fines; and to repeal acts and parts of acts,” 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:

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

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

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

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

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

(b) A low pressure steam or vapor heating boiler shall receive a certificate inspection every 2 years. A hot water heating boiler or hot water supply boiler shall receive a certificate inspection every 3 years.

(c) A grace period of 2 months beyond the periods described in subdivisions (a) and (b) may elapse between certificate inspections.

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

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

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

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

Sec. 945. (1) Within 30 days following a boiler certificate inspection required under this article, the chief inspector, a deputy inspector, or the person that employs a special inspector who performed the inspection shall file a report of the inspection with the chief inspector, on a form approved by the board. A form may be 1 of the forms recommended by the National Board of Boiler and Pressure Vessel Inspectors. A report of an external inspection is not required unless the external inspection discloses that a boiler is in a dangerous condition.

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

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

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

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

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

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

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

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

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

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

(2) Subject to subsection (3), the requirement to obtain a license or permit under this article to repair a boiler or replace a boiler with a similar unit does not apply to a public utility or industrial plant that repairs and maintains its own boilers in accordance with all of the following:

(a) The boiler, the boiler's external piping, and any nonboiler external piping is owned and operated by the utility or plant.

- (b) The utility or plant has in effect a quality program that includes and is governed by a quality manual.
- (c) The quality program described in subdivision (b), at a minimum, addresses the necessary subjects relative to the scope of work to be performed, including, but not limited to, repair or replacement of boilers, boiler external piping, and nonboiler external piping.
- (d) The content of the quality manual required under subdivision (b) includes all of the following:
- (i) A title page that lists the name and complete address of the utility or plant.
 - (ii) A table of contents page listing the contents of the manual by subject.
 - (iii) A scope of work statement that clearly indicates the scope of work governed by the quality program.
 - (iv) A statement of authority reflecting a corporate resolution or policy that recognizes the obligation of the utility or plant to comply with this act at all times and includes the name of the individual who is responsible for and has authority over the scope of work governed by the quality program.
 - (v) Provisions for making, and issuing revisions to, the quality manual to ensure that the quality program is current with accepted practices and procedures as they are practiced within the utility or plant.
 - (vi) The method used by the utility or plant to ensure that only acceptable materials, including, but not limited to, acceptable welding materials, are ordered, verified, and identified in storage.
 - (vii) The method used by the utility or plant for documenting repairs in sufficient detail, including, but not limited to, documentation of both of the following:
 - (A) The prior acceptance by an inspector who is licensed to inspect boilers in this state of the method to be used for a repair of a boiler or a boiler's external piping.
 - (B) The individual responsible for notifying the inspector described in this subparagraph of the repair work to be performed on a boiler or a boiler's external piping and for keeping the inspector apprised of the progress of that work.
 - (viii) A description of the controls used by the utility or plant to ensure that only qualified welding procedures, and only welders qualified to use those procedures, are used for repairs.
 - (ix) A description of the controls used by the utility or plant for nondestructive examination and heat treatment procedures.
 - (x) Identification of the methods of examination and testing required by the utility or plant upon the completion of a repair.
 - (xi) The name of the individual responsible for acceptance of a completed repair.
 - (xii) Provisions allowing for inspector access to areas where repair work is being performed.
 - (xiii) The name of the individual responsible for preparing, signing, and presenting forms commonly known as record of welded forms to inspectors and sending those forms to the boiler division of the department.
 - (xiv) A system for the correction of nonconformities.
 - (xv) A sample form for each form referenced in the quality manual.
- (e) The utility or plant keeps a maintenance record, subject to audit by state inspectors, for each boiler. The maintenance record must contain an adequate description of each abnormal event concerning the boiler, and any modification, repair, hydro test, internal or external inspection, or off-normal operation of the boiler.
- (f) The utility or plant contracts with an approved third-party inspection and insurance company for repair work performed on a boiler or a boiler's external piping.
- (g) All welders working on boilers or piping under the quality program are employees of the utility or plant.
- (h) All welding, heat treatment, nondestructive examination, and testing procedures are qualified in accordance with the applicable code of the American Society of Mechanical Engineers, as determined by the department.
- (i) The utility or plant consistently maintains documentation between audits of nonboiler external piping repairs or replacements.
- (j) Third-party employees or contractors do not work under the quality program established by the utility or plant as it relates to the installation or repair of boilers.
- (k) The utility or plant notifies the boiler division of the department before the utility or plant replaces a boiler.
- (l) The utility or plant prepares and files with the boiler division of the department an appropriate record of a welded repair form, signed by an inspector who is licensed to inspect boilers in this state, not more than 180 days after the completion of a welded repair.
- (3) A public utility or industrial plant is not exempt under subsection (2) unless the board approves that exemption. Upon board approval of the exemption, the department shall grant the utility or plant an exemption from the licensing and permit requirements of this article for repairs to boilers and boiler piping or the installation of a boiler replacement.

(4) Failure of a public utility or industrial plant to comply with any of the provisions of this section as applicable to that utility or plant is just cause for revocation of the exemption status granted under subsection (3).

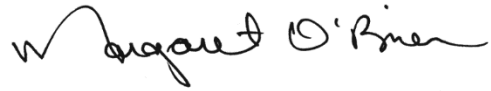
(5) To ensure continued compliance with this article and the board's requirements, the chief of the boiler division of the department shall cause an audit of the exemption status granted under subsection (3) to be conducted not less than once every 3 years.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor