

## CHAPTER 326B

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## GENERAL

### 326B.01 DEFINITIONS.

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **ASME.** "ASME" means the American Society of Mechanical Engineers.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of labor and industry or a duly designated representative of the commissioner who is either an employee of the Department of Labor and Industry or a person working under contract with the department.

Subd. 4. **Department.** "Department" means the Department of Labor and Industry.

Subd. 5. **Day.** "Day" means calendar day unless otherwise provided.

Subd. 6. **Individual.** "Individual" means a human being.

Subd. 7. **Person.** "Person" means any individual, limited liability company, corporation, partnership, incorporated or unincorporated association, sole proprietorship, joint stock company, or any other legal or commercial entity.

**History:** 2007 c 140 art 2 s 2

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within 180 days after the board's written submission is received. The commissioner shall annually report to the board a summary of the actions taken in response to complaints referred by the board.

Subd. 9. **Data Practices Act.** The board is subject to chapter 13, the Minnesota Government Data Practices Act, and shall protect from unlawful disclosure data classified as not public.

Subd. 10. **Official records.** The board shall make and preserve all records necessary to a full and accurate knowledge of its official activities in accordance with section 15.17.

**History:** 2007 c 140 art 4 s 61; art 10 s 10; art 13 s 4; 2008 c 337 s 32-34,64; 2017 c 68 art 1 s 24,26; 1Sp2017 c 7 s 8

**326B.93** MS 2014 [Renumbered 326B.953]

## PASSENGER BOATS AND MASTERS

### **326B.94 BOATS; MASTERS.**

Subdivision 1. **Boat.** "Boat" means any vessel navigating inland waters of the state that is propelled by machinery or sails and is carrying more than six passengers for hire.

Subd. 2. **Number of passengers.** 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 inspector's certificate.

Subd. 3. **Annual permit.** The commissioner shall issue an annual permit to a boat for the purpose of carrying passengers for hire on the inland waters of the state provided the boat satisfies the inspection requirements of this section. A boat subject to inspection under this chapter shall be registered with the department and shall be inspected before a permit may be issued. No person shall operate a boat or cause a boat to be operated for the purpose of carrying passengers for hire on the inland waters of the state without a valid annual permit issued under this section. Boats operating with a current inspection certificate issued by the United States Coast Guard are exempt from the inspection requirements of this section.

Subd. 4. **Examinations, licensing.** Every individual who operates a boat must hold a current master's license issued by the commissioner, unless the individual holds a valid, current charter boat captain's license issued by the United States Coast Guard. The commissioner shall develop and administer an examination for all masters of boats carrying passengers for hire on the inland waters of the state. If found qualified and competent to perform their duties as a master of a boat carrying passengers for hire, they shall be issued a license authorizing them to act as such on the inland waters of the state. All initial master's licenses shall be for two years. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master's licenses from one year to two years. By June 30, 2011, all renewed master's licenses shall be two-year licenses. Fees for the original issue and renewal of the license authorized under this section shall be pursuant to section 326B.092.

Subd. 5. **Rules.** (a) The department shall prescribe rules for the inspection of the hulls, machinery, boilers, steam connections, firefighting apparatus, lifesaving appliances, and lifesaving 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 in similar cases as provided in Code of Federal Regulations, titles 33 and 46, and COMDTINST M16672.2D, as applicable to inland waters; these rules shall have the force of law.



(b) For purposes of this subdivision, the term "COMDTINST M16672.2D" means United States Department of Homeland Security, United States Coast Guard, Navigation Rules: International-Inland, as forwarded by Commandant Instruction M16672.2D, dated March 25, 1999, with any corrections or revisions.

Subd. 6. **Drugs, alcohol.** No master shall be under the influence of illegal drugs or alcohol when on duty.

**History:** 2007 c 140 art 9 s 26; 2009 c 78 art 5 s 26; 2010 c 287 s 1; 2010 c 347 art 3 s 53,76; 2010 c 385 s 6

## BOILER INSPECTIONS; LICENSURE

### 326B.95 DEFINITIONS.

Subdivision 1. **Scope.** The definitions in this section apply to sections 326B.95 to 326B.998.

Subd. 2. **Authorized inspector.** "Authorized inspector" means a national board-commissioned inspector who has been examined and found qualified to inspect the construction and repair of boilers and pressure vessels, and who holds a current certificate of competency.

Subd. 3. **Certificate of competency.** "Certificate of competency" means a certificate issued by the department to allow national board-commissioned inspectors to perform boiler and pressure vessel inspections within the state.

Subd. 4. **Certificate of inspection.** "Certificate of inspection" means a sticker attached to the boiler or pressure vessel which documents the month and year of the inspection and the employer of the inspector performing the inspection.

Subd. 5. **Certificate of registration.** "Certificate of registration" means a document that has been made available on the department's website that lists all registered boilers and pressure vessels at a location, including the last inspection date, the certificate expiration date, and the maximum allowable working pressure for each boiler or pressure vessel.

Subd. 6. **High-pressure boiler.** "High-pressure boiler" means a boiler operating at a steam or other vapor pressure in excess of 15 psig, or a water or other liquid boiler in which the pressure exceeds 160 psig or the temperature exceeds 250 degrees Fahrenheit.

Subd. 7. **Inspection due date.** "Inspection due date" means the last possible date that the inspection can be completed within the time limits in this chapter.

Subd. 8. **Insurance company boiler inspector.** "Insurance company boiler inspector" means a national board-commissioned inspector who holds a current certificate of competency.

Subd. 9. **Low-pressure boiler.** "Low-pressure boiler" means a boiler operating at a steam or other vapor pressure of 15 psig or less, or a water or other liquid boiler in which the pressure does not exceed 160 psig and the temperature does not exceed 250 degrees Fahrenheit.

Subd. 10. **National board.** "National board" means the National Board of Boiler and Pressure Vessel Inspectors, which is an organization comprised of chief inspectors for the states, cities, and territories of the United States and provinces and territories of Canada.

Subd. 11. **National board-commissioned inspector.** "National board-commissioned inspector" means an individual who has been examined and found qualified to inspect in-service boilers and pressure vessels by the national board, and who holds a current commission issued by the national board.

Subd. 12. **National Board Inspection Code; NBIC.** "National Board Inspection Code" or "NBIC" means a three-part technical document that is written and published by the national board detailing the installation, inspection, and repair of boilers and pressure vessels.

Subd. 13. **Operation.** "Operation" means the on-site act of manipulating, monitoring, and testing of boilers and their appurtenances by a properly licensed engineer or an apprentice under the direct supervision of the properly licensed engineer.

Subd. 14. **Psig.** "Psig" means pounds per square inch gauge.

Subd. 15. **Remote monitoring.** "Remote monitoring" means the act of viewing or overseeing the boiler or boiler plant operating parameters and conditions from a remote location.

Subd. 16. **Repair.** "Repair" means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition, as defined in National Board Inspection Code, part 3, section 9.

Subd. 17. **State boiler inspector.** "State boiler inspector" means a national board-commissioned boiler inspector who holds a current certificate of competency and a current chief grade A boiler operator's license.

**History:** 2010 c 287 s 2; 2015 c 21 art 1 s 109

**326B.952** [Repealed, 2010 c 287 s 19]

#### **326B.953 INSPECTION PERSONNEL.**

Subdivision 1. **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 department.

Subd. 2. **Chief boiler inspector.** The commissioner shall appoint a chief boiler inspector who, under the direction and supervision of the commissioner, shall administer this chapter and the rules adopted under this chapter. The chief boiler inspector must:

- (1) be licensed as a chief Grade A engineer; and
- (2) possess a current commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

The chief boiler inspector shall be the state of Minnesota representative on the National Board of Boiler and Pressure Vessel Inspectors, shall be the final interpretative authority of the rules adopted under this chapter, and shall perform other duties in administering this chapter and the rules adopted under this chapter as assigned by the commissioner. Any person aggrieved by a ruling of the chief boiler inspector may appeal the ruling in accordance with chapter 14.

**History:** 2007 c 140 art 9 s 25

#### **326B.954 BOILER INSPECTOR LICENSE.**

Each boiler inspector employed by the department 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 article required or used in the construction of engines, boilers, or pressure vessels, or their appurtenances.

**History:** (5475) *RL s 2169; 1957 c 503 s 4; 1974 c 161 s 11; 1982 c 379 s 3; 2007 c 140 art 9 s 2, 27; art 13 s 4; 2010 c 287 s 3*

### **326B.956 HISTORICAL BOILERS.**

Subdivision 1. **Definition.** For the purpose of sections 326B.95 to 326B.998, the term "historical boiler" means a boiler that is used only for display and demonstration purposes. The terms "historical boiler," "show boiler," "steam farm traction engine," and "hobby boiler" are synonymous. In recognition of the historical significance of show boilers in maintaining a working reminder of Minnesota's agricultural, transportation, and lumber industries, show boilers and engines are considered to be historical artifacts.

Subd. 2. **Inspection.** (a) Historical boilers shall be inspected every two years. All historical boilers shall be inspected by ultrasonic examination and hydrostatic testing, alternating the type of inspection every two years. Any historical boiler not previously inspected in Minnesota shall be subject to both ultrasonic examination and hydrostatic testing prior to operation unless the historical boiler has a current operating certificate under paragraph (d).

(b) Except as provided in paragraph (d), historical boilers must display a certificate of inspection issued by the department before use.

(c) Standards for inspection of historical boilers shall be those established by the National Board Inspection Code ANSI/NB23 and by the rules adopted by the department and as follows:

(1) the boiler may be subjected to other methods of nondestructive examination, at the owner's expense, as deemed necessary by the boiler inspector to determine soundness and safety of the boiler;

(2) if a historical boiler has any longitudinal cracks in riveted longitudinal seams, the vessel shall be sealed and not approved for use in Minnesota. If the historical boiler is jacketed, the jacket must be removed prior to inspection; and

(3) repairs and alterations made to historical boilers must be made pursuant to the National Board Inspection Code ANSI/NB34.

(d) If a historical boiler has not been inspected in Minnesota and has a current operating certificate issued by another state or Canadian province, then that historical boiler can be operated in Minnesota without inspection in Minnesota as long as:

(1) the chief boiler inspector has determined that the requirements for certification in the other state or Canadian province are equal to or greater than the requirements for certification in Minnesota;

(2) the historical boiler displays the certificate from the other state or Canadian province; and

(3) the historical boiler is not operated in Minnesota for more than two years without inspection in Minnesota.

Subd. 3. **Inspection fees.** The fee for inspecting historical boilers shall be the hourly rate pursuant to section 326B.986, subdivision 4.

Subd. 4. **Licenses.** When a historical boiler is in operation at any location that is open to the public, an individual licensed under this subdivision or exempt from licensure under this subdivision must be in

attendance at the boiler at all times. A license to operate historical boilers shall be issued to an applicant who:

- (1) is 16 years of age or older;
- (2) has provided to the commissioner an affidavit attesting to the applicant's competence in operating historical boilers and attesting that the applicant has demonstrated the ability to perform each task on a list, developed and approved by the chief boiler inspector, of tasks associated with the operation of historical boilers. The affidavit shall be signed by a licensed historical boiler engineer or an engineer licensed as second class grade A or higher;
- (3) has at least 50 hours of operating experience on the devices, eight hours of which must be operating the boiler under load, and up to 16 hours of which may be satisfied by attendance at a school of instruction in operating the devices;
- (4) passes a written test for competence in operating the devices; and
- (5) pays the required fee.

A license is valid for the lifetime of the licensee unless revoked for cause. A onetime fee pursuant to section 326B.986, subdivision 5, shall be charged for the license.

Subd. 5. **Exemptions.** (a) Any licensed steam engineer may operate historical boilers, subject to the equipment and horsepower limitations set forth in section 326B.978, without obtaining a license under subdivision 4.

(b) Any individual who holds a current historical boiler operator license issued by another state or Canadian province may operate historical boilers in Minnesota if the chief boiler inspector has determined that the requirements under which the individual obtained licensure in the other state or Canadian province are equal to or greater than the requirements for an applicant making application in Minnesota for a historical boiler license.

Subd. 6. [Repealed by amendment, 2010 c 287 s 4]

**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; 1994 c 402 s 1; 1996 c 305 art 3 s 25,26; 1997 c 38 s 1-3; 1Sp2005 c 1 art 4 s 43,44; 2007 c 140 art 9 s 3,27; art 13 s 4; 2008 c 309 s 1; 2010 c 287 s 4; 2015 c 21 art 1 s 109

### **326B.958 INSPECTION AND REGISTRATION.**

Subdivision 1. **Inspection.** (a) Every owner, lessee, or other person having charge of boilers or pressure vessels subject to inspection under sections 326B.956 to 326B.998 shall cause them to be inspected by the department unless specifically excepted by section 326B.988 or 326B.99. Inspectors shall subject all boilers to a thorough internal and external examination according to the standards in sections 326B.964 and 326B.966.

(b) Anyone who installs a boiler must ensure that the boiler is inspected by the department after installation is complete and before the boiler is placed in operation. Inspection fees pursuant to section 326B.986 associated with this initial inspection are the responsibility of the installer.

(c) The owner of a boiler must ensure that the boiler is inspected at least annually after the initial inspection, except as provided in sections 326B.956 and 326B.96.



(d) The owner of a pressure vessel not specifically excepted by section 326B.988 must ensure that the pressure vessel is inspected at least every two years.

(e) The fees under section 326B.986 for inspections conducted by the department under paragraphs (c) and (d) shall be the responsibility of the owner of the boiler or pressure vessel.

**Subd. 1a. Certificate of inspection.** After inspecting the boiler or pressure vessel, the boiler inspector shall document the condition of the boiler or pressure vessel. If the boiler or pressure vessel meets the inspection requirements in sections 326B.964 and 326B.966, the inspector shall attach a label or sticker to the boiler or pressure vessel indicating the month and year inspected and the name of the inspection agency. This label is the inspection certificate and shall indicate that the inspected boiler or pressure vessel is found to be safe and suitable for use. The boiler inspector shall directly attach a tag to a newly installed boiler that displays a unique identification number.

**Subd. 1b. Defects in boilers or pressure vessels.** If, upon inspecting a boiler or pressure vessel, the boiler inspector determines that the boiler or pressure vessel does not meet the requirements in sections 326B.964 and 326B.966, the inspector shall notify the owner or operator in writing of any defect in the boiler or pressure vessel. The boiler or pressure vessel shall not be operated if the inspector determines that the boiler or pressure vessel is unsafe. The boiler or pressure vessel shall not be operated until these unsafe defects have been corrected and verified by the inspector. If the boiler inspector finds that a boiler is being operated by an unlicensed or improperly licensed person, operation of the boiler shall cease until all operators are properly licensed according to section 326B.978. If circumstances warrant continued operation, the boiler inspector may, at the discretion of the boiler inspector, give approval for continuing operation of the boiler for a specific period of time, not to exceed 30 days.

**Subd. 2. Registration.** Every owner, lessee, or other person having charge of a boiler or pressure vessel subject to inspection under sections 326B.95 to 326B.998, except historical boilers under section 326B.956, shall register the boiler or pressure vessel with the department at the time of the initial inspection described in subdivision 1. The registration shall be renewed annually for each boiler or pressure vessel on record with the department.

**Subd. 3. Certificate of registration.** The department shall issue an electronic certificate of registration that lists the registered boilers and pressure vessels at the location, expiration date of the certificate of registration, last inspection date of each registered boiler and pressure vessel, and maximum allowable working pressure for each registered boiler and pressure vessel. This certificate shall be available to be printed by the owner, lessee, or other person having charge of the registered boiler or pressure vessel.

**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; 1Sp2005 c 1 art 4 s 45; 2007 c 140 art 9 s 4,27; art 13 s 4; 2010 c 287 s 5; 2015 c 21 art 1 s 109*

### **326B.96 INSPECTION.**

Subdivision 1. [Repealed, 2010 c 287 s 19]

**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 commissioner 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 commissioner 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; 2007 c 140 art 9 s 5,27; art 13 s 4*

### **326B.961 TRIENNIAL AUDITS AND TEAM LEADER CERTIFICATIONS.**

Subdivision 1. **Triennial audits; assignment; qualifications.** The chief boiler inspector shall assign a qualified ASME designee or team leader to perform triennial audits on ASME Code and national board stamp holders at the request of the stamp holder. The department shall maintain qualifications for ASME designees and national board team leaders in accordance with ASME and national board requirements.

Subd. 2. **Fees.** The department's fee for performing ASME and national board triennial audits shall be the hourly rate pursuant to section 326B.986, subdivision 4.

**History:** *2010 c 183 s 20; 2010 c 287 s 6*

**326B.962** [Repealed, 2010 c 287 s 19]

### **326B.964 STANDARDS OF INSPECTION.**

The engineering standards of boilers and pressure vessels for use in this state shall be those established by Minnesota Rules, chapter 5225, and by the current edition of and addenda to the ASME Code, the National Board Inspection Code, and the National Fire Protection Association's standard NFPA 85 (Boiler and Combustion Systems Hazards Code), as they apply to the construction, operation and care of, in-service inspection and testing, and controls and safety devices.

**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; 2007 c 140 art 9 s 7,27; art 13 s 4; 2010 c 287 s 7*

### **326B.966 INSPECTION PROCEDURES AND STANDARDS OF REPAIRS.**

The inspection procedures and requirements for the repair of boilers and pressure vessels for use in this state shall be those established by the most current edition of and addenda to the National Board Inspection Code and the rules adopted by the department.

**History:** *1982 c 379 s 10; 1988 c 719 art 19 s 5; 2007 c 140 art 9 s 8,27; art 13 s 4; 2010 c 287 s 8*

**326B.968** [Repealed, 2010 c 287 s 19]



**326B.97 INSPECTION OF BOILERS AND PRESSURE VESSELS.**

The owner, lessee, or other person having control of a boiler or pressure vessel shall allow inspectors full access to the boiler or pressure vessel. Every engineer operating a boiler shall assist the inspector during the examination and indicate to the inspector any known defects in the boilers, pressure vessels, steam engines, and turbines.

**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; 2007 c 140 art 9 s 27; art 13 s 4; 2010 c 287 s 9*

**326B.972 LICENSE REQUIREMENT.**

(a) To operate a boiler, steam engine, or steam turbine an individual must have received a license for the grade covering that boiler, steam engine, or steam turbine. Except for licenses described in section 326B.956 and except for provisional licenses described in paragraphs (d) to (g):

- (1) all initial licenses shall be for two years;
- (2) the commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of licenses from one year to two years; and
- (3) by June 30, 2011, all licenses shall be two-year licenses.

(b) For purposes of sections 326B.95 to 326B.998, "operation" means the act of manipulating and monitoring boilers or appurtenances for their intended purpose and to ensure safety, except that operation does not include remote monitoring of an automatic boiler. When a boiler is monitored from a remote location, the only function that may be performed remotely upon the boiler is an emergency shutdown in alarm situations.

(c) No individual under the influence of illegal drugs or alcohol may operate a boiler, steam engine, or steam turbine or monitor an automatic boiler.

(d) The commissioner may issue a provisional license to allow an employee of a high pressure boiler plant to operate boilers greater than 500 horsepower at only that boiler plant if:

- (1) the boiler plant has a designated chief engineer in accordance with Minnesota Rules, part 5225.0410;
- (2) the boiler plant employee holds a valid license as a second-class engineer, Grade A or B;
- (3) the chief engineer in charge of the boiler plant submits an application to the commissioner on a form prescribed by the commissioner;
- (4) the chief engineer in charge of the boiler plant and an authorized representative of the owner of the boiler plant both sign the application for the provisional license;
- (5) the owner of the boiler plant has a documented training program with examination for boilers and equipment at the boiler plant to train and test the boiler plant employee; and
- (6) if the application were to be granted, the total number of provisional licenses for employees of the boiler plant would not exceed the total number of properly licensed first-class engineers and chief engineers responsible for the safe operation of the boilers at the boiler plant.

(e) A public utility, cooperative electric association, generation and transmission cooperative electric association, municipal power agency, or municipal electric utility that employs licensed boiler operators

who are subject to an existing labor contract may use a provisional licensee as an operator only if using the provisional licensee does not violate the labor contract.

(f) A provisional license is valid for 36 months from the date of issue, unless revoked before the expiration date. A provisional license may not be renewed.

(g) The commissioner may issue no more than two provisional licenses to any individual within a four-year period.

**History:** 1982 c 379 s 13; 2007 c 140 art 9 s 10,27; art 13 s 4; 2008 c 309 s 2; 2009 c 78 art 5 s 27; 2010 c 287 s 10; 2015 c 21 art 1 s 109

### **326B.974 SCHOOL ENGINEER.**

Subdivision 1. **License required.** Any custodial engineer employed by a school whose duties include the operation of a boiler shall be licensed pursuant to section 326B.978, to operate the particular class of boiler used in the school.

Subd. 2. **School district training.** A school district shall allow to occur annually at least eight hours of training related to boiler operation to a licensee described in subdivision 1. The training must be administered by a licensed first or chief class engineer during the licensee's normal working hours. Two hours of the required training shall occur in the boiler room and must include demonstration of tasks associated with operating boilers. The tasks associated with operating boilers acceptable for the training must be from the list of approved tasks supplied by the chief boiler inspector. The administrator of the training shall receive training credit for time spent administering training pursuant to this subdivision.

**History:** 1982 c 379 s 14; 2007 c 140 art 9 s 27; art 13 s 4; 2010 c 183 s 21

**326B.976** [Repealed, 2010 c 347 art 3 s 75]

### **326B.978 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 individual who desires an engineer's license shall submit an application on a written or electronic form prescribed by the commissioner with all fees required by section 326B.092.

Subd. 3. **Examinations.** Each applicant for a license must pass an examination developed and administered by the commissioner. The examinations shall be of sufficient scope to establish the competency of the applicant to operate a boiler of the applicable license class and grade.

Subd. 4. [Repealed, 2013 c 85 art 2 s 44]

Subd. 5. **High- and low-pressure boilers.** For the purposes of this section and section 326B.97, high-pressure boilers shall mean boilers operating at a steam or other vapor pressure in excess of 15 psig, or a water or other liquid boiler in which the pressure exceeds 160 psig or a temperature of 250 degrees Fahrenheit.



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

Subd. 6. **Chief engineer, Grade A.** An individual seeking licensure as a chief engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual 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 the boilers except as provided in subdivision 18, including at least two years' experience in operating the engines or turbines except as provided in subdivision 18.

Subd. 7. **Chief engineer, Grade B.** An individual 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 individual 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 except as provided in subdivision 18.

Subd. 8. **Chief engineer, Grade C.** An individual 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 individual 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 the boilers except as provided in subdivision 18.

Subd. 9. **First-class engineer, Grade A.** An individual seeking licensure as a first-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual 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 500 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 the boilers, including at least two years' experience in operating such engines or turbines except as provided in subdivision 18.

Subd. 10. **First-class engineer, Grade B.** An individual 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 individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers of not more than 500 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 the boilers except as provided in subdivision 18.

Subd. 11. **First-class engineer, Grade C.** An individual 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 individual 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 500 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 the boilers except as provided in subdivision 18.



Subd. 12. **Second-class engineer, Grade A.** An individual seeking licensure as a second-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the individual 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 500 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 the boilers, including at least one year of experience in operating the engines or turbines except as provided in subdivision 18.

Subd. 13. **Second-class engineer, Grade B.** An individual 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 individual 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 500 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 the boilers except as provided in subdivision 16 or 18.

Subd. 14. **Second-class engineer, Grade C.** An individual 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 individual 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 500 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 the boilers except as provided in subdivision 18.

Subd. 15. **Special engineer.** (a) An individual 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 individual 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 50 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.

(b) An individual seeking licensure as a special engineer who is at least 16 years of age but less than 18 years of age must be enrolled in a course approved by the commissioner, and have habits and experience that justify the belief that the individual 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 50 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. 16. **Current boiler operators.** Any individual operating a boiler other than a steam boiler on or before 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 individual's employer or a chief engineer. Except as provided in subdivision 18, 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. 17. **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.



Subd. 18. **Educational offset.** Notwithstanding the experience requirements in subdivisions 6 to 16, the commissioner may by rule establish educational equivalencies that an applicant may meet instead of a portion of the specified operating experience.

Subd. 19. **Applicability.** This section shall not apply to traction or hobby boiler engineer's licenses or provisional licenses.

**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; 1Sp2005 c 1 art 4 s 47,48; 2007 c 140 art 9 s 12,27; art 13 s 4; 2008 c 309 s 3; 2010 c 347 art 3 s 54,55,76; 2010 c 385 s 6*

### **326B.98 VERIFICATION OF CERTIFICATE.**

In making an inspection of boilers and pressure vessels, inspectors may act jointly or separately. In all cases inspectors shall verify the certificate of registration to ensure that all registered boilers and pressure vessels other than historical boilers are inspected. Any boilers and pressure vessels that are no longer in service shall be removed from the certificate of registration according to rules adopted by the department.

**History:** (5489) *RL s 2183; 1957 c 503 s 15; 1982 c 379 s 17; 2007 c 140 art 9 s 27; art 13 s 4; 2010 c 287 s 11*

**326B.982** [Repealed, 2010 c 287 s 19]

### **326B.986 FEES FOR INSPECTION.**

Subdivision 1. **Fee amount; vessels operated on inland waters.** The fees for the inspection of the hull, boiler, machinery, and equipment of vessels operated on inland waters and that carry passengers for hire are as follows:

- (1) annual operating permit and safety inspections shall be \$200; and
- (2) other inspections, including dry-dock inspections, boat stability tests, and plan reviews, are billed at the hourly rate set in subdivision 4.

Subd. 2. [Repealed, 2010 c 347 art 3 s 75]

Subd. 3. **Boiler and pressure vessel inspection fees.** The fees for the annual inspection of boilers and biennial inspection of pressure vessels are as follows:

- (1) boiler inaccessible for internal inspection, \$55;
- (2) boiler accessible for internal inspection, \$55;
- (3) boiler internal inspection over 2,000 square feet heating surface shall be billed at the hourly rate set in subdivision 4;
- (4) boiler accessible for internal inspection requiring one-half day or more of inspection time shall be billed at the hourly rate set in subdivision 4;
- (5) pressure vessel for internal inspection via manhole, \$35; and
- (6) pressure vessel inaccessible for internal inspection, \$35.

Subd. 4. **Hourly rate.** The hourly rate for an inspection not set elsewhere in sections 326B.954 to 326B.998 is \$80 per hour. Inspection time includes all time related to the inspection. Travel time, billed at the hourly rate, and travel expenses shall be billed for shop inspections, triennial audits, boat stability tests, hydrostatic tests of a boiler or pressure vessel, or any other inspection or consultation requiring a special trip.

Subd. 5. **Boiler engineer license fees.** (a) For purposes of calculating license fees and renewal license fees required under section 326B.092:

- (1) the boiler special engineer license is an entry level license;
- (2) the following licenses are journeyworker licenses: first class engineer, Grade A; first class engineer, Grade B; first class engineer, Grade C; second class engineer, Grade A; second class engineer, Grade B; second class engineer, Grade C; and provisional license; and
- (3) the following licenses are master licenses: boiler chief engineer, Grade A; boiler chief engineer, Grade B; boiler chief engineer, Grade C; boiler inspector certificate of competency; and traction or hobby boiler engineer.

(b) Notwithstanding section 326B.092, subdivision 7, paragraph (a), the license duration for steam traction and hobby engineer licenses are one year only for the purpose of calculating license fees under section 326B.092, subdivision 7, paragraph (b).

Subd. 6. **National board inspectors.** The fee for an examination of an applicant for a National Board of Boiler and Pressure Vessels Inspectors commission is \$100.

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 is \$100.

Subd. 8. **Certificate of competency.** (a) The fee for issuance of the original certificate of competency is \$85 for inspectors who did not pay the national board examination fee specified in subdivision 6, or \$35 for inspectors who paid that examination fee. Each applicant for a certificate of competency must complete an interview with the chief boiler inspector before issuance of the certificate of competency.

(b) All initial certificates of competency shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made.

(c) All renewed certificates of competency shall be valid for two calendar years. The fee for renewal of the state of Minnesota certificate of competency is \$70, and is due the day after the certificate expires.

Subd. 9. **Boiler and pressure vessel registration fee.** The annual registration fee for boilers and pressure vessels in use and required to be inspected per section 326B.958 shall be \$10 per boiler and pressure vessel.

Subd. 10. **Late fee.** The commissioner shall assess a late fee of \$100 for each invoice issued under subdivision 1, 3, or 4 that is not paid in full by the due date stated on the invoice.

**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; 1996 c 305 art 3 s 27; 1Sp2005 c 1 art 4 s 49; 2007 c 140 art 9 s 15,27; art 13 s 4; 2008 c 309 s 4; 2009 c 78 art 5 s 28-30; 2010 c 287 s 12-14; 2010 c 347 art 3 s 56,76; 2010 c 385 s 6; 2011 c 76 art 1 s 52; 1Sp2015 c 1 art 5 s 3,4; 2017 c 68 art 1 s 26; 1Sp2017 c 7 s 8; 2019 c 50 art 1 s 104



**326B.988 EXCEPTIONS.**

(a) The provisions of sections 326B.95 to 326B.998 shall not apply to:

(1) boilers and pressure vessels 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 psig 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 ASME code stamped safety valve set at a maximum of 100 psig;

(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 psig 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 326B.958;

(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 psig;

(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 210 degrees Fahrenheit or a pressure of 200 psig;

(17) steam-powered turbines at papermaking facilities which are powered by steam generated by steam facilities at a remote location;

(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 ASME stamped safety valve of adequate size, a water level indicator, and a pressure gauge;

(19) any pressure vessel used as an integral part of an electrical circuit breaker;

(20) pressure vessels used for the storage of refrigerant if they are built to ASME code specifications, registered with the national board, and equipped with an ASME code-stamped pressure-relieving device set no higher than the maximum allowable working pressure of the vessel. This does not include pressure vessels used in ammonia refrigeration systems;

(21) pressure vessels used for the storage of oxygen, nitrogen, helium, carbon dioxide, argon, nitrous oxide, or other medical gas, provided the vessel is constructed to ASME or Minnesota Department of Transportation specifications and equipped with an ASME code-stamped pressure-relieving device. The owner of the vessels shall perform annual visual inspections and planned maintenance on these vessels to ensure vessel integrity;

(22) pressure vessels used for the storage of compressed air for self-contained breathing apparatuses;

(23) hot water heating or other hot liquid boilers vented directly to the atmosphere; and

(24) pressure vessels used for the storage of compressed air not exceeding 1.5 cubic feet (11.22 gallons) in volume with a maximum allowable working pressure of 600 psi or less.

(b) An engineer's license is not required for hot water supply boilers.

(c) An engineer's license and annual inspection by the department 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, and a pressure of 15 psig.

(d) Electric boilers not exceeding a maximum working pressure of 50 psig, 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; 2007 c 140 art 9 s 16,27; art 13 s 4; 2009 c 2 s 1; 2010 c 287 s 15; 2014 c 305 s 27; 2015 c 21 art 1 s 109; 2016 c 189 art 7 s 38; 2018 c 182 art 1 s 91*

### **326B.99 REPORT OF INSURER; EXEMPTION FROM INSPECTION.**

Subdivision 1. **Inspection required.** Any insurance company insuring boilers and pressure vessels in this state shall inspect each insured boiler or pressure vessel. Within 21 days after the inspection, the insurance company shall file an inspection report with the commissioner. The inspection report shall be on the applicable national board form. The inspection report must indicate who is the properly licensed engineer in charge of the boiler or pressure vessel, including the engineer's license grade, class, and telephone number. Such report shall be made annually for boilers and biennially for pressure vessels and must be submitted in the format required by the department.

Subd. 2. **Exemption.** 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 by the department made under sections 326B.95 to 326B.998, except the initial inspection by the department under section 326B.958, subdivision 1, paragraph (b), as long as:

(1) the boiler or pressure vessel continues to be insured;



(2) the boiler or pressure vessel continues to be inspected in accordance with the inspection schedule in sections 326B.958 and 326B.96; and

(3) the person owning or operating the boiler or pressure vessel has an unexpired certificate of registration.

**Subd. 3. Notice of insurance coverage.** The insurer shall notify the commissioner in writing of its policy to insure and inspect boilers and pressure vessels at a location within 30 days of the date coverage is provided.

**Subd. 4. Notice of discontinued coverage.** The insurer shall notify the commissioner in writing, within 30 days of the effective date, of the discontinuation of insurance coverage of the boilers and pressure vessels at a location. This notice shall show the effective date when the discontinued policy takes effect.

**Subd. 5. Penalties.** The commissioner shall assess upon the insurer a \$50 penalty, per applicable boiler and pressure vessel, for failing to submit an inspection report or notify the commissioner of insurance coverage or discontinuation of insurance coverage as set forth in this section. The commissioner shall assess upon the insurer a penalty of \$100, per applicable boiler and pressure vessel, for failing to conduct the required in-service inspection within 60 days after the inspection was due, or within 60 days of the date of coverage for boilers or pressure vessels that are overdue for inspection. The penalties in this subdivision may only be assessed for notice, reports, and inspections required during the period that the insurance coverage was in effect.

**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; 1997 c 7 art 1 s 88; 1Sp2005 c 1 art 4 s 50; 2007 c 140 art 9 s 17-20,27; art 13 s 4; 2008 c 277 art 1 s 27; 2010 c 287 s 16; 2015 c 21 art 1 s 109; 2015 c 54 art 1 s 23

### **326B.992 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 individual to act as engineer or master contrary to any provision of sections 326B.954 to 326B.998, 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; 2007 c 140 art 9 s 21,27; art 13 s 4; 2008 c 277 art 1 s 28; 2011 c 76 art 1 s 53

### **326B.994 VIOLATIONS IN CONSTRUCTION; REPAIR; SALE.**

**Subdivision 1. Construction violation.** No person shall construct a boiler, boiler piping, or pressure vessel so as not to meet the minimum construction requirements of the ASME boiler and pressure vessel code, and the rules of the department.

**Subd. 2. Repair violation.** A person who repairs a boiler or pressure vessel by welding or riveting must 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 department.

**Subd. 3. Sale violation.** No manufacturer, dealer, or other person shall sell or offer for sale a boiler or pressure vessel that does not meet the minimum construction requirements of the ASME boiler and pressure vessel code and the rules of the department.

**History:** 1957 c 503 s 21; 1982 c 379 s 24; 2007 c 140 art 9 s 22,27; art 13 s 4; 2008 c 337 s 3; 2010 c 287 s 17

**326B.996** [Repealed, 2010 c 287 s 19]

**326B.998 PENALTY FOR OPERATORS.**

(a) No person shall operate or cause to be operated a boiler or pressure vessel at a higher pressure than is indicated on the data plate attached to the boiler or pressure vessel.

(b) No master or other person having charge of the machinery of a boat used for the conveyance of passengers in the waters of this state, or engineer or other person having charge of a boiler, steam engine, or other apparatus for generating or employing steam, shall create or allow to be created any condition whereby human life is endangered. Every owner and lessee of a boat, boiler, steam engine, or other apparatus for generating or supplying steam who has knowledge of a condition whereby human life is endangered, or of circumstances which would cause such a condition, shall take prompt action to correct the condition or circumstances and eliminate the danger to human life.

(c) Any person who violates paragraph (a) or (b) is guilty of a gross misdemeanor.

**History:** (10265) *RL s 5003; 1982 c 379 s 26; 2007 c 140 art 9 s 27; art 13 s 4; 2010 c 287 s 18*