

HOUSE BILL No. 5289

November 14, 1989, Introduced by Reps. Brown, DeMars, Leland, Varga and Emerson and referred to the Committee on State Affairs.

A bill to amend the title and sections 2, 4, 4a, 12, 14, and 24 of Act No. 290 of the Public Acts of 1965, entitled "Boiler act of 1965," sections 2 and 4a as amended by Act No. 277 of the Public Acts of 1986 and section 4 as amended by Act No. 274 of the Public Acts of 1980, being sections 408.752, 408.754, 408.754a, 408.762, 408.764, and 408.774 of the Michigan Compiled Laws; and to add sections 13a, 13b, 13c, and 13d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 4, 4a, 12, 14, and 24
2 of Act No. 290 of the Public Acts of 1965, sections 2 and 4a as
3 amended by Act No. 277 of the Public Acts of 1986 and section 4
4 as amended by Act No. 274 of the Public Acts of 1980, being
5 sections 408.752, 408.754, 408.754a, 408.762, 408.764, and

1 408.774 of the Michigan Compiled Laws, are amended and sections
2 13a, 13b, 13c, and 13d are added to read as follows:

3 TITLE

4 An act to regulate the use, construction, installation, and
5 repair of boilers; to create a board of boiler rules; to pre-
6 scribe uniform rules and regulations for boilers; to provide for
7 the licensing of boiler inspectors, installers, ~~and~~ repairers,
8 BOILER OPERATORS AND STATIONARY ENGINEERS; to provide fees for
9 licenses, permits, inspections, and certificates; to provide pen-
10 alties for the violation of this act; and to repeal certain acts
11 and parts of acts.

12 Sec. 2. As used in this act:

13 (a) "Boiler" means a closed vessel in which water is heated,
14 steam is generated, steam is superheated, or a combination there-
15 of, under pressure or vacuum by the application of heat from com-
16 bustible fuels, electricity, or nuclear energy. Boiler does not
17 include facilities of an integral part of a continuous processing
18 unit but does include a fired unit for heating or vaporizing liq-
19 uids other than water, if the unit is separate from a processing
20 system and is complete within itself.

21 (b) "Power boiler" means a closed vessel in which steam or
22 other vapor is generated at a pressure of more than 15 p.s.i.g.
23 by the direct application of heat.

24 (c) "High pressure, high temperature water boiler" means a
25 water heating boiler operating at pressure exceeding 160
26 p.s.i.g. or temperatures exceeding 250 degrees Fahrenheit.

1 (d) "Low pressure boiler" means a steam boiler operated at
2 pressures not exceeding 15 p.s.i.g., or a hot water heating
3 boiler operated at pressures not exceeding 160 p.s.i.g. or tem-
4 peratures not exceeding 250 degrees Fahrenheit.

5 (e) "Certificate inspection" means an inspection, the report
6 of which is used by the chief inspector to decide whether a cer-
7 tificate, as provided by section 19, shall be issued. The cer-
8 tificate inspection shall be an internal inspection if construc-
9 tion allows. ~~otherwise~~ OTHERWISE, the certificate inspection
10 shall be as complete an inspection as possible.

11 (f) "External inspection" means an inspection which does not
12 involve examination of the internal surfaces of the pressure
13 parts of the boiler.

14 (g) "Secondhand boiler" means a boiler which has changed
15 ownership and location after initial use.

16 (h) "Heating surface" means the heating surface determined
17 by the boiler manufacturer and recorded in the manufacturer's
18 data report or by rules established by the board for a boiler if
19 the manufacturer's data report is not available or the boiler is
20 not stamped with its heating surface.

21 (i) "Process boiler" means a boiler operated at a pressure
22 or temperature from which more than 10% of the boiler's capacity
23 is used for direct steam humidification or direct process work.

24 (j) "Boiler for agricultural purposes" means a portable
25 boiler used in a field or similar open area for the sole purpose
26 of operating farm equipment or farm machinery.

1 (k) "Director" means the director of labor or a
2 representative designated by the director.

3 (l) "P.S.I.G." means pounds per square inch gauge.

4 (M) "BOILER OPERATOR OR STATIONARY ENGINEER" MEANS A PERSON
5 ENGAGED IN THE BUSINESS OF OPERATING BOILERS AND ASSOCIATED
6 AUXILIARIES.

7 (N) "APPROVED APPRENTICESHIP PROGRAM" MEANS A TRAINING PRO-
8 GRAM FOR BOILER OPERATORS OR STATIONARY ENGINEERS APPROVED BY THE
9 BOARD AND CERTIFIED BY THE UNITED STATES DEPARTMENT OF LABOR
10 BUREAU OF APPRENTICESHIP TRAINING.

11 (O) "ASSOCIATED AUXILIARIES" MEANS EQUIPMENT WHICH IS
12 REQUIRED IN THE OPERATION OF A BOILER WHICH INCLUDES, BUT IS NOT
13 LIMITED TO, PUMPS, REGULATORS, FEEDWATER HEATERS, SUPERHEATERS,
14 DE-SUPERHEATERS, ECONOMIZERS, AIR PREHEATERS, DRAFT FANS, COMBUS-
15 TION AND POLLUTION CONTROL EQUIPMENT, AND PRIME MOVERS.

16 (P) "QUALIFIED TRAINING PROGRAM" MEANS AN IN-HOUSE TRAINING
17 PROGRAM APPROVED BY THE BOARD AND OFFERED TO BOILER OPERATORS AND
18 STATIONARY ENGINEERS BY A UTILITY AS A RESULT OF NEGOTIATIONS
19 BETWEEN A UTILITY AND ITS EMPLOYEES.

20 Sec. 4. (1) The board shall formulate definitions and rules
21 for the safe construction, installation, inspection, OPERATION,
22 and repair of boilers in the state.

23 (2) The definitions and rules formulated for new construc-
24 tion shall be based upon and follow the generally accepted
25 nationwide engineering standards, formulae, and practices estab-
26 lished and pertaining to boiler construction and safety. The
27 board, by resolution, may adopt an existing published

1 codification, known as the boiler and pressure vessel code of the
2 American society of mechanical engineers, with the amendments and
3 interpretations.

4 (3) The board shall formulate rules for the safe inspection
5 and maintenance of boilers, which were in use in the state before
6 July 1, 1966. The rules formulated shall be based upon and
7 follow the generally accepted nationwide engineering standards
8 and may be based upon an existing published codification, known
9 as the inspection code of the national board of boiler and pres-
10 sure vessel inspectors.

11 (4) The rules formulated by the board shall be promulgated
12 pursuant to THE ADMINISTRATIVE PROCEDURES ACT OF 1969, Act
13 No. 306 of the Public Acts of 1969, as amended, being sections
14 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled Laws.

15 (5) A departure from the requirements of this section shall
16 be permitted in an unusual situation involving a boiler of spe-
17 cial design or construction, if the board is satisfied that a
18 proposed facility will provide a degree of safety commensurate
19 with the intent of this act.

20 (6) UPON PAYMENT OF A \$30.00 FEE AND WITHOUT EXAMINATION,
21 THE BOARD MAY ISSUE A BOILER OPERATOR'S LICENSE OR A STATIONARY
22 ENGINEER'S LICENSE TO AN APPLICANT WHO IS LICENSED AS A BOILER
23 OPERATOR OR STATIONARY ENGINEER IN ANOTHER STATE, MUNICIPALITY,
24 OR COUNTRY WHOSE REQUIREMENTS FOR LICENSURE ARE, AT A MINIMUM,
25 SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS STATE FOR
26 LICENSURE IF THAT OTHER STATE, MUNICIPALITY, OR COUNTRY EXTENDS

1 THE SAME PRIVILEGES OF RECIPROCITY TO A BOILER OPERATOR OR
2 STATIONARY ENGINEER LICENSED IN THIS STATE.

3 Sec. 4a. (1) The board, with the advice of the director,
4 shall promulgate rules pursuant to ~~The~~ THE administrative pro-
5 cedures act of 1969, Act No. 306 of the Public Acts of 1969, as
6 amended, being sections 24.201 to 24.328 of the Michigan Compiled
7 Laws, to establish the fee schedules for licenses, permits, cer-
8 tificates, and inspections. ~~The~~ EXCEPT AS PROVIDED IN
9 SECTIONS 4(6) AND 13A, THE fees shall reflect the actual costs
10 and expenses for the department of labor in issuing licenses,
11 permits, and certificates and in conducting inspections.

12 (2) To accomplish the objectives of this section and this
13 act, a state boiler inspection fund is created. The state trea-
14 surer shall be the custodian of the fund and may invest the sur-
15 plus of the fund in investments as in the state treasurer's judg-
16 ment are in the best interest of the fund. Earnings from those
17 investments shall be credited to the fund. The state treasurer
18 shall notify the director and the Legislature of interest cred-
19 ited and the balance of the fund as of September 30 of each
20 year. The director shall supervise and administer the fund.
21 Fees received by the department of labor and money collected
22 under this act shall be deposited in the state boiler inspection
23 fund and shall be appropriated by the Legislature for the opera-
24 tions of the boiler division and THE indirect overhead expenses
25 in the department of labor. Funds that are unexpended at the end
26 of each fiscal year shall be returned to the state boiler
27 inspection fund.

1 Sec. 12. ~~Examination~~ THE EXAMINATION for chief, deputy,
2 or special inspectors shall be ~~in writing and~~ WRITTEN. THE
3 EXAMINATION FOR BOILER OPERATORS SHALL BE EITHER WRITTEN OR
4 ORAL. THE EXAMINATION FOR STATIONARY ENGINEERS SHALL BE BOTH
5 WRITTEN AND ORAL. THE EXAMINATIONS shall be ~~held~~ ADMINISTERED
6 by the board, ~~with at least~~ AND NOT LESS THAN 2 members of the
7 board SHALL BE present at all times during ~~the~~ AN examination.
8 ~~Such examination~~ EXAMINATIONS shall be confined to questions ~~7~~
9 ~~the answers to which~~ THAT will aid in determining the fitness
10 and competency of the applicant for the intended service, and may
11 be those prepared by the national board of boiler and pressure
12 vessel inspectors. If an applicant for ~~an inspector's~~ A
13 license fails to pass the examination, ~~he~~ THE APPLICANT may
14 appeal to the board for another examination which shall be given
15 by the board within 90 days. The record of an applicant's exami-
16 nation shall be accessible to the applicant and ~~his~~ THE
17 APPLICANT'S employer.

18 SEC. 13A. (1) A PERSON SHALL NOT BE EMPLOYED AS A BOILER
19 OPERATOR OR STATIONARY ENGINEER, NOR ENGAGE IN THE BUSINESS OF
20 OPERATING BOILERS, UNLESS THE PERSON HAS OBTAINED A LICENSE FROM
21 THE DIRECTOR OR IS PARTICIPATING IN AN APPROVED APPRENTICESHIP
22 PROGRAM OR QUALIFIED TRAINING PROGRAM. THE BOARD MAY CONDUCT AN
23 EXAMINATION FOR A LICENSE TO ESTABLISH THE COMPETENCY OF THE
24 APPLICANT AND MAY CHARGE AN EXAMINATION FEE.

25 (2) A PERSON APPLYING FOR A LICENSE AS A BOILER OPERATOR OR
26 STATIONARY ENGINEER SHALL BE NOT LESS THAN 18 YEARS OF AGE, SHALL
27 POSSESS THE PHYSICAL AND MENTAL CAPACITIES TO PERFORM HIS OR HER

1 DUTIES IN A COMPETENT AND SAFE MANNER, AND SHALL MEET THE
2 APPLICABLE REQUIREMENTS OF SECTION 13C. AN APPLICANT SHALL USE A
3 FORM PROVIDED BY THE DIRECTOR.

4 (3) THE DIRECTOR SHALL ISSUE A LICENSE UPON RECOMMENDATION
5 OF THE BOARD AND UPON THE APPLICANT'S PAYMENT OF A TESTING FEE OF
6 \$10.00 AND A LICENSE FEE OF \$20.00 OR A FEE PRESCRIBED PURSUANT
7 TO SECTION 4A, WHICHEVER IS HIGHER, FOR EACH APPLICATION. A
8 LICENSE SHALL BE RENEWED ANNUALLY UPON PAYMENT OF A FEE OF \$20.00
9 OR A FEE PRESCRIBED PURSUANT TO SECTION 4A, WHICHEVER IS HIGHER.

10 (4) UNTIL JULY 1, 1989, THE BOARD SHALL RECOMMEND FOR
11 LICENSING WITHOUT EXAMINATION AN APPLICANT WHO SUBMITS EVIDENCE
12 SATISFACTORY TO THE BOARD OF 1 OR MORE OF THE FOLLOWING:

13 (A) THE APPLICANT HAS HAD NOT LESS THAN 5 YEARS OF
14 EXPERIENCE IN THE CLASS OF BOILER OPERATOR OR STATIONARY ENGINEER
15 FOR WHICH THE APPLICANT IS APPLYING.

16 (B) THE APPLICANT POSSESSES A LICENSE AS A BOILER OPERATOR
17 OR STATIONARY ENGINEER FROM THE CITIES OF DETROIT OR DEARBORN IN
18 A CLASS FOR WHICH THE APPLICANT IS APPLYING.

19 (C) THE APPLICANT HAS SUCCESSFULLY COMPLETED A 4-YEAR
20 APPROVED APPRENTICESHIP PROGRAM OR A 4-YEAR QUALIFIED TRAINING
21 PROGRAM.

22 SEC. 13B. BOILER OPERATOR AND STATIONARY ENGINEER LICENSES
23 ARE CLASSIFIED, WITH THEIR RESPECTIVE LIMITS OF OPERATING AUTHO-
24 RIZATION, AS FOLLOWS:

25 (A) LOW PRESSURE BOILER OPERATOR WHO IS LIMITED TO OPERATING
26 LOW PRESSURE BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN
27 4,000 SQUARE FEET OF BOILER HEATING SURFACE.

1 (B) HIGH PRESSURE BOILER OPERATOR WHO IS LIMITED TO
2 OPERATING BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN
3 4,000 SQUARE FEET OF BOILER HEATING SURFACE OR NOT MORE THAN 10
4 STEAM ENGINE-TURBINE HORSEPOWER.

5 (C) THIRD-CLASS STATIONARY ENGINEER WHO IS LIMITED TO OPER-
6 ATING BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN 7,500
7 SQUARE FEET OF BOILER HEATING SURFACE OR NOT MORE THAN 100 STEAM
8 ENGINE-TURBINE HORSEPOWER.

9 (D) SECOND-CLASS STATIONARY ENGINEER WHO IS LIMITED TO OPER-
10 ATING BOILER PLANTS HAVING AN AGGREGATE OF NOT MORE THAN 20,000
11 SQUARE FEET OF BOILER HEATING SURFACE OR NOT MORE THAN 200 STEAM
12 ENGINE-TURBINE HORSEPOWER.

13 (E) FIRST-CLASS STATIONARY ENGINEER WHO DOES NOT HAVE ANY
14 LIMITATIONS ON HIS OR HER LICENSE.

15 SEC. 13C. (1) THE DIRECTOR SHALL NOT ISSUE A LICENSE FOR A
16 BOILER OPERATOR OR STATIONARY ENGINEER UNLESS THE APPLICANT MEETS
17 THE REQUIREMENTS FOR THE CLASSIFICATION AS PRESCRIBED IN SUBSEC-
18 TIONS (2) TO (6).

19 (2) AN APPLICANT FOR A LOW PRESSURE BOILER OPERATOR LICENSE
20 SHALL HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE OPERATING OR MAIN-
21 TAINING LOW OR HIGH PRESSURE BOILERS, STEAM PRIME MOVERS, OR
22 ASSOCIATED AUXILIARIES.

23 (3) AN APPLICANT FOR A HIGH PRESSURE BOILER OPERATOR LICENSE
24 SHALL HAVE 1 OR MORE OF THE FOLLOWING:

25 (A) NOT LESS THAN 2 YEARS OF EXPERIENCE AS A HIGH PRESSURE
26 BOILER OPERATOR.

1 (B) A LOW PRESSURE BOILER OPERATOR'S LICENSE AND NOT LESS
2 THAN 1 YEAR OF EXPERIENCE AS A LOW PRESSURE BOILER OPERATOR.

3 (C) NOT LESS THAN 1 YEAR OF EITHER A QUALIFIED TRAINING PRO-
4 GRAM OR AN APPROVED APPRENTICESHIP PROGRAM.

5 (4) AN APPLICANT FOR A THIRD-CLASS STATIONARY ENGINEER
6 LICENSE SHALL MEET 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

7 (A) POSSESS A HIGH PRESSURE BOILER OPERATOR LICENSE AND HAVE
8 NOT LESS THAN 1 YEAR OF EXPERIENCE AS A HIGH PRESSURE BOILER
9 OPERATOR.

10 (B) POSSESS A LOW PRESSURE BOILER OPERATOR LICENSE, HAVE NOT
11 LESS THAN 1 YEAR OF EXPERIENCE AS A LOW PRESSURE BOILER OPERATOR,
12 AND HAVE NOT LESS THAN 1 YEAR OF MAINTENANCE EXPERIENCE ON HIGH
13 PRESSURE BOILERS AND ASSOCIATED AUXILIARIES.

14 (C) POSSESS A HIGH PRESSURE BOILER OPERATOR LICENSE AND HAVE
15 NOT LESS THAN 1 YEAR OF BOILER MAINTENANCE EXPERIENCE OR NOT LESS
16 THAN 1 YEAR AS AN APPRENTICE IN AN APPROVED TRAINING PROGRAM IN A
17 HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING SURFACE OF
18 MORE THAN 4,000 SQUARE FEET.

19 (D) HAVE NOT LESS THAN 3 YEARS OF EXPERIENCE OPERATING BOIL-
20 ERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
21 SURFACE OF MORE THAN 4,000 SQUARE FEET.

22 (E) HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE OPERATING BOIL-
23 ERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
24 SURFACE OF MORE THAN 4,000 SQUARE FEET ALONG WITH SUFFICIENT
25 EXPERIENCE OPERATING STEAM PRIME MOVERS IN EXCESS OF 10 HORSE-
26 POWER FOR A COMBINED TOTAL OF NOT LESS THAN 3 YEARS OF
27 EXPERIENCE.

1 (5) AN APPLICANT FOR A SECOND-CLASS STATIONARY ENGINEER
2 LICENSE SHALL MEET 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

3 (A) POSSESS A THIRD-CLASS STATIONARY ENGINEER LICENSE AND
4 HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE AS A THIRD-CLASS STATION-
5 ARY ENGINEER.

6 (B) HAVE A BACHELOR'S DEGREE IN ENGINEERING FROM AN ACCREDI-
7 TED COLLEGE OR UNIVERSITY AND HAVE BEEN EMPLOYED AS AN ENGINEER
8 IN THE ENGINEERING OR RESEARCH DIVISION OF A STEAM ELECTRIC POWER
9 GENERATING PLANT FOR NOT LESS THAN 1 YEAR.

10 (C) HAVE NOT LESS THAN 4 YEARS OF EXPERIENCE OPERATING BOIL-
11 ERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
12 SURFACE OF MORE THAN 7,500 SQUARE FEET.

13 (D) HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE OPERATING BOIL-
14 ERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
15 SURFACE OF MORE THAN 7,500 SQUARE FEET ALONG WITH SUFFICIENT
16 EXPERIENCE OPERATING STEAM PRIME MOVERS IN EXCESS OF 100 HORSE-
17 POWER FOR A COMBINED TOTAL OF NOT LESS THAN 4 YEARS OF
18 EXPERIENCE.

19 (E) HAVE NOT LESS THAN 1 YEAR OF EXPERIENCE OPERATING BOIL-
20 ERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
21 SURFACE OF MORE THAN 7,500 SQUARE FEET ALONG WITH SUFFICIENT
22 EXPERIENCE OPERATING BOILERS IN A HIGH PRESSURE BOILER PLANT
23 HAVING AN AGGREGATE HEATING SURFACE OF MORE THAN 4,000 SQUARE
24 FEET FOR A COMBINED TOTAL OF NOT LESS THAN 4 YEARS OF
25 EXPERIENCE.

26 (6) AN APPLICANT FOR A FIRST-CLASS STATIONARY ENGINEER
27 LICENSE SHALL MEET 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

1 (A) POSSESS A SECOND-CLASS STATIONARY ENGINEER LICENSE AND
2 HAVE NOT LESS THAN 2 YEARS OF EXPERIENCE AS A SECOND-CLASS STA-
3 TIONARY ENGINEER.

4 (B) HAVE NOT LESS THAN 6 YEARS OF EXPERIENCE OPERATING BOIL-
5 ERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
6 SURFACE OF MORE THAN 20,000 SQUARE FEET.

7 (C) HAVE NOT LESS THAN 2 YEARS OF EXPERIENCE OPERATING BOIL-
8 ERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
9 SURFACE OF MORE THAN 20,000 SQUARE FEET ALONG WITH SUFFICIENT
10 EXPERIENCE OPERATING STEAM PRIME MOVERS IN EXCESS OF 200 HORSE-
11 POWER FOR A COMBINED TOTAL OF NOT LESS THAN 6 YEARS OF
12 EXPERIENCE.

13 (D) HAVE NOT LESS THAN 2 YEARS OF EXPERIENCE OPERATING BOIL-
14 ERS IN A HIGH PRESSURE BOILER PLANT HAVING AN AGGREGATE HEATING
15 SURFACE OF MORE THAN 20,000 SQUARE FEET ALONG WITH SUFFICIENT
16 EXPERIENCE OPERATING BOILERS IN A HIGH PRESSURE BOILER PLANT
17 HAVING AN AGGREGATE HEATING SURFACE OF MORE THAN 7,500 SQUARE
18 FEET OF HEATING SURFACE FOR A COMBINED TOTAL OF NOT LESS THAN 6
19 YEARS OF EXPERIENCE.

20 (E) COMPLETE A 4-YEAR APPROVED APPRENTICESHIP PROGRAM OR A
21 4-YEAR QUALIFIED TRAINING PROGRAM.

22 SEC. 13D. A PERSON SHALL NOT OPERATE A NONRESIDENTIAL STEAM
23 OR HOT WATER BOILER UNLESS A BOILER OPERATOR OR STATIONARY ENGI-
24 NEER LICENSED TO OPERATE THAT TYPE OF BOILER IS PRESENT.

25 Sec. 14. (1) ~~An inspector's, repairer's, or installer's~~
26 THE license OF AN INSPECTOR, REPAIRER, BOILER OPERATOR OR
27 STATIONARY ENGINEER, OR INSTALLER may be suspended by the chief

1 inspector ~~for~~ DUE TO the incompetence of the ~~holder thereof or~~
 2 ~~for wilful~~ LICENSEE OR DUE TO WILLFUL falsification of ~~any~~ A
 3 matter or statement contained in ~~his~~ THAT LICENSEE'S applica-
 4 tion or in a report of ~~any~~ inspection made by ~~him~~ THE
 5 LICENSEE. Written notice of the suspension shall be given by the
 6 chief inspector within ~~not more than~~ 10 days AFTER THE
 7 SUSPENSION to the licensee, ~~his~~ THE LICENSEE'S employer, and
 8 the board. A person whose license has been suspended may appeal
 9 to the board as provided in section 22 and be present in person
 10 and be represented by counsel at the hearing of the appeal.

11 (2) If the board has reason to believe that a licensee is no
 12 longer qualified to hold his OR HER license, the board, upon not
 13 less than 10 days' written notice to the licensee and ~~his~~ THE
 14 LICENSEE'S employer, shall hold a hearing at which the licensee
 15 and his OR HER employer shall have an opportunity to be heard.
 16 If, as a result of the hearing, the board finds that the licensee
 17 is no longer qualified to hold his OR HER license, the board
 18 shall recommend to the ~~commissioner~~ DIRECTOR that the license
 19 be revoked, and the ~~commissioner~~ DIRECTOR shall ~~thereupon~~
 20 IMMEDIATELY revoke ~~such~~ THE license. ~~forthwith.~~

21 (3) A person whose license has been suspended may apply,
 22 after 90 days from the date of the suspension, for reinstatement
 23 of the license.

24 Sec. 24. (1) ~~It shall be unlawful for any~~ A person, firm,
 25 partnership, or corporation ~~to~~ SHALL NOT operate ~~in this~~
 26 ~~state~~ a boiler without a valid inspection certificate OR
 27 OPERATE, OR ALLOW TO BE OPERATED, A BOILER BY A PERSON NOT

1 LICENSED AS A BOILER OPERATOR OR STATIONARY ENGINEER FOR THAT
2 TYPE OF BOILER.

3 (2) The operation of a boiler without ~~such~~ A VALID inspec-
4 tion certificate, BY A PERSON NOT LICENSED AS A BOILER OPERATOR
5 OR STATIONARY ENGINEER FOR THAT TYPE OF BOILER, or at a pressure
6 exceeding that specified in ~~such~~ THE inspection certificate ~~—~~
7 is a misdemeanor on the part of the owner, user, or operator
8 ~~thereof and shall be~~ punishable by ~~a fine not exceeding~~
9 ~~\$500.00, or~~ imprisonment ~~not to exceed~~ FOR NOT MORE THAN 60
10 days, or BY A FINE OF NOT MORE THAN \$500.00, OR both. Each day
11 of the unlawful operation is a separate offense.