
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 627 Session of
1997

INTRODUCED BY DeLUCA, MELIO, FARGO, YOUNGBLOOD, CORRIGAN,
GIGLIOTTI AND TRELLO, FEBRUARY 21, 1997

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 21, 1997

AN ACT

1 Relating to boiler steam machinery and refrigeration machine
2 engineers and firemen and providing for their licensing;
3 conferring powers and imposing duties upon the State Board of
4 Examiners for Boiler Engineers and the Department of State;
5 providing for the issuance, revocation or suspension of
6 licenses; prescribing unlawful acts; imposing penalties; and
7 making repeals.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Boiler
12 Engineers Act.

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Board." The State Board of Examiners for Boiler Engineers.

18 "Boiler engineer." Any individual licensed to operate a
19 boiler steam and refrigeration machine as defined in this act.

20 "Boiler engineer license." A license granted to an applicant

1 by the State Board of Boiler Engineers.

2 "Boiler horsepower." Includes any of the following:

3 (1) The evaporation of 34.5 pounds of water per hour
4 from a temperature of 212 degrees Fahrenheit into dry
5 saturated steam at the same temperature.

6 (2) 33,475 British thermal units per hour.

7 (3) 139.5 square feet of equivalent direct steam
8 radiation.

9 (4) 223.1 square feet of hot water radiation at 150
10 degrees Fahrenheit.

11 (5) Ten kilowatts per hour electrical input to the
12 boiler.

13 "Compressor horsepower of a refrigeration system." The
14 manufacturer's horsepower rating as given on the nameplate of
15 the unit.

16 "Department." The Department of Labor and Industry of the
17 Commonwealth.

18 "High-pressure boiler." Any steam boiler where the safety
19 valve is set to relieve at a pressure above 15 pounds per square
20 inch.

21 "Horsepower rating." The largest rating determined by
22 dividing the square feet of boiler heating surface by ten or, in
23 the case where the boiler rating is based on other than ten
24 square feet of heating surface per horsepower, the
25 manufacturer's output horsepower rating. When the manufacturer's
26 rating is expressed in terms other than horsepower, the rating
27 shall be converted into horsepower by the use of one of the
28 factors in the definition of "boiler horsepower."

29 "Horsepower rating of a refrigeration system." The
30 compressor horsepower or tons of refrigeration as converted to

1 horsepower on an equal basis.

2 "Low-pressure boiler." A steam boiler where the safety valve
3 is set to relieve at a pressure at or below 15 pounds per square
4 inch.

5 "Person." Any natural person, association, partnership or
6 corporation. Whenever used to prescribe and impose a fine or
7 imprisonment, or both, in this act, the term as applied to an
8 association includes the members of the association and as
9 applied to a corporation includes the officers of the
10 corporation. Any provision of this act restricting the actions
11 of any person shall be construed as regulating or restricting
12 the actions of the employees and agents of that person.

13 "Secretary." The Secretary of Labor and Industry of the
14 Commonwealth.

15 "Ton of refrigeration." The removal of heat at the rate of
16 12,000 British thermal units per hour or 200 British thermal
17 units per minute.

18 Section 3. License required.

19 (a) General rule.--A person shall not have charge of or
20 operate a boiler or any steam-driven machinery where the safety
21 valves are set at 15 pounds or above or any refrigeration
22 machinery with 200 horsepower capacity in this Commonwealth
23 unless the person is at least 21 years of age and holds a
24 license as provided in this act.

25 (b) Duty of owner.--An owner or user of any steam-driven
26 machinery where the safety valve or valves are set at 15 pounds
27 or above or any refrigeration machinery with 200 horsepower
28 capacity shall not operate or cause to operate that machinery in
29 this Commonwealth without having a licensed person in charge of
30 that operation.

1 Section 4. Application.

2 (a) General rule.--Before any license is issued, application
3 shall be made in writing to the board on a form prepared and
4 furnished by the board. The application shall contain a
5 statement showing proof of the applicant's experience and any
6 additional information that the board may require.

7 (b) Fee.--The applicant shall pay a fee of \$50 upon
8 application for an initial license.

9 (c) Considerations.--If the applicant has met all
10 requirements set forth in this section and if upon full
11 consideration the board is satisfied that the applicant's
12 knowledge and experience in the duties of an engineer are
13 satisfactory, it shall grant a license to the applicant upon
14 receipt of the fee as provided in subsection (b).

15 (d) Term and renewal.--A license shall authorize a person to
16 be employed in engineer duties for a term of two years, and the
17 license shall be annually renewed without examination upon the
18 board's receipt of \$50. A license shall be renewed after the
19 expiration date if the applicant presents a previously valid
20 license and restoration fee as prescribed by the board. The
21 board may, upon receipt of a \$5 fee, issue a duplicate license
22 to replace a lost or stolen one.

23 (e) Active duty.--The license of any person that is in
24 effect at the time the person enters active duty with the armed
25 forces of the United States or, during a national emergency,
26 duty with the Maritime Service shall remain in effect during the
27 period of that service, plus six months after discharge, without
28 the payment of any fee. However, the license shall expire six
29 months after discharge if not renewed as provided in this
30 section.

1 Section 5. Powers and duties of board.

2 The board shall have the power and duty to:

3 (1) Grant a boiler engineer license.

4 (2) Refuse to examine any applicant for a license until
5 the applicant has furnished proof to the board that the
6 applicant has been employed assisting a valid licensed
7 operator in the actual operation of a boiler, steam-driven
8 machinery or refrigeration machinery for a minimum of two
9 years in the aggregate prior to the date of application.
10 Proof of employment shall be certified by one employer and by
11 two persons who are licensed in a grade equal to that to
12 which application is being made and who are acquainted with
13 the applicant and have direct knowledge of his employment
14 during the required period. Other proof of past-related
15 experience, including military experience, shall be
16 acceptable when certification is not available. A degree or
17 diploma held by the applicant from any technical school or
18 college recognized by the Department of Education shall be
19 equivalent to one year's employment for the purpose of this
20 paragraph.

21 (3) Grant a license without examination upon receipt of
22 a fee of \$50 from any applicant who has on the effective date
23 of this act a license to operate any boiler, steam machinery
24 or refrigeration machinery given under the authority of any
25 ordinance of this Commonwealth.

26 (4) Issue a license to an applicant who currently
27 operates a boiler and has proof of experience in the
28 operation of boilers.

29 (5) Prescribe the subject material, manner, time and
30 place of examination and the filing of applications for

1 examination and licenses and supervise and provide for the
2 conduct of the examination. The subject matter of all
3 examinations shall be confined to the knowledge that is
4 essential to practice as a boiler engineer.

5 (6) Grade the examinations described in paragraph (5)
6 that are returned by candidates and, if the applicant had not
7 obtained a minimum passing grade of 75%, keep said
8 examination for at least one year. Any unsuccessful candidate
9 may, upon written request to the board, review his graded
10 paper. The board shall provide unlimited retesting
11 opportunities for each applicant.

12 (7) Make written reports of the examinations described
13 in paragraph (5), which reports shall be filed with the
14 department, and certify to the department when an applicant
15 has successfully passed the examination.

16 (8) Investigate and conduct hearings and discipline and
17 prosecute those who commit illegal practices.

18 (9) Suspend and revoke by majority action of the entire
19 board the license of any licensee who has been convicted of a
20 crime that has a high probability of affecting the ability of
21 performing his job in a safe and effective manner or
22 misdemeanor involving moral turpitude, practices habitual
23 intemperance, is addicted to the use of narcotic drugs or is
24 adjudged to be mentally incompetent and reinstate licenses in
25 any case where a majority of the entire board determines that
26 reinstatement is just and proper. After due and proper
27 investigation and hearing, the board, by majority action of
28 the entire board, may suspend and revoke the license of any
29 licensee who has been found to have been or presently is a
30 member of any organization that advocates the overthrow of

1 the Federal or State Government by force or violence or other
2 unconstitutional means, or to have been or presently is a
3 member of the Communist Party or advocates the political
4 tenets of the Communist Party. The board may suspend or
5 revoke the license of any person if the license is obtained
6 through fraud or if the board finds the person guilty of
7 gross negligence or the actual endangerment of life.

8 (10) Provide for, regulate and require each person
9 licensed in accordance with the provisions of this act to
10 renew his license biannually, prescribe the form of license
11 renewal, require as a condition precedent to license renewal
12 the payment of the renewal fee and revoke the license of any
13 person who fails, refuses or neglects to apply for a renewal
14 or pay the fee, except as provided in section 4(d) and (e).

15 (11) Keep a record of all licenses issued by the board
16 and keep minutes and records of all its transactions and
17 proceedings for a period of at least eight years.

18 (12) Enter and inspect in the performance of its duties
19 any and all premises where a license is or may be required
20 and whenever a violation of this act is being or has been
21 committed. It shall be unlawful for any person or corporation
22 in any manner to hinder, obstruct, delay, resist, prevent or
23 in any way interfere or attempt to interfere with any of the
24 personnel of the board in the performance of any of its
25 required duties or to refuse to permit authorized persons to
26 perform their duties by refusing any of them entrance to the
27 premises upon identification. Each day during which the
28 unlawful act continues constitutes a separate violation.

29 (13) Adopt, promulgate and enforce rules and regulations
30 as may be deemed necessary and proper by the board to carry

1 into effect the powers conferred by this act.

2 (14) Require every holder of a license to place it in a
3 frame under glass in some conspicuous place near the boiler
4 or steam-driven refrigeration machinery so the license can be
5 seen at all times.

6 Section 6. Records of defects.

7 (a) Duties of licensed engineer.--Any boiler engineer
8 licensed under the provisions of this act shall assist the
9 inspectors in their examination of any boiler, steam-driven
10 machinery or refrigeration machinery under the charge of the
11 engineer, shall point out all defects and imperfections known to
12 the engineer in the boiler or machinery and shall keep an
13 accurate record of all defects and inspections.

14 (b) Reporting defects.--An individual who reports a defect
15 of any kind shall not be subject to any employment retaliatory
16 action by the employer, engineer or any individual as a result
17 of the reporting of the defect.

18 Section 7. Notice.

19 It shall be the duty of every licensed person, upon taking or
20 vacating a position as engineer or fireman, to notify the board
21 within 30 days of separation. Failure to comply with this
22 section may be punishable by suspension of the person's license
23 for such a period as the board shall determine.

24 Section 8. Substitution of unlicensed person.

25 Every owner or lessee, or agent of the owner or lessee, of
26 any boiler, steam-driven machinery or refrigeration machinery or
27 any auxiliary connected with them that is included under the
28 provisions of this act must not delegate or transfer in any
29 manner whatsoever the responsibility or liability for the
30 management, operation or maintenance in good condition and

1 repair of any such boiler, steam-driven machinery or
2 refrigeration machinery or any auxiliary connected with them to
3 any person or persons other than a licensed engineer in charge
4 of that operation. However, in case of the absence from duty of
5 any such licensed engineer, an unlicensed person may take the
6 place of the engineer for a period of not more than ten days.
7 The ten-day period may be extended to 30 days in the discretion
8 of the board. The board shall be notified of any temporary
9 change prior to or at the time that the change is made.

10 Section 9. Procedure.

11 All actions of the board shall be made only in accordance
12 with the rules and regulations of the board and only by a
13 majority vote of the members of the board and shall be subject
14 to the right of notice, hearing and adjudication and the right
15 of appeal under 2 Pa.C.S. § 103 (relating to administrative
16 agency law).

17 Section 10. Records to be public evidence.

18 The records of the board shall be public and shall be open to
19 inspection during business hours. Copies of the records,
20 certified by the secretary of the board or any deputy of the
21 board, shall be admissible in evidence in all courts and
22 elsewhere.

23 Section 11. Penalties.

24 A person who violates this act commits a summary offense and
25 shall, upon conviction, be sentenced to pay a fine of not less
26 than \$25 nor more than \$300 and costs of prosecution and, if in
27 default of payment of the fine and costs, may be imprisoned for
28 not more than 30 days. In addition, the person's license shall
29 be suspended or revoked as the board shall determine.

30 Section 12. Repeals.

1 (a) Absolute.--The act of April 4, 1905 (P.L.102, No.75),
2 entitled "An act to provide for the better protection of life
3 and property, by the examination and licensing of engineers
4 having charge of steam-boilers, steam-engines, and appliances
5 connected therewith, in cities of the second and third class of
6 this Commonwealth, and providing penalties for violation," is
7 repealed.

8 (b) General.--All other acts and parts of acts are repealed
9 insofar as they are inconsistent with this act.

10 Section 13. Applicability.

11 This act shall apply to all boilers in this Commonwealth,
12 except those located in public utilities, farms or private
13 dwellings and those under Federal jurisdiction. This act shall
14 not apply to boilers where the safety valve or valves are set at
15 less than 15 pounds per square inch and have less than 1,000
16 square feet of heating surface in the aggregate, except where
17 those boilers are located in theaters, hospitals, educational
18 institutions, hotels and institutions licensed by the
19 Commonwealth. Environmental heating or other means of heating
20 shall be included in this act, where any pressure vessel in
21 excess of 15 pounds per square inch is used in the system.

22 Section 14. Effective date.

23 This act shall take effect in 30 days.