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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **141** Session of  
1961

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INTRODUCED BY MESSRS. LANE AND DONOLOW,  
JANUARY 30, 1961.

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REFERRED TO COMMITTEE ON STATE GOVERNMENT,  
JANUARY 30, 1961.

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**AN ACT**

Relating to boiler steam machinery and refrigeration machinery engineers and firemen providing for their licensing conferring powers and imposing duties upon the State Board of Examiners for Boiler Engineers and the Department of Public Instruction providing for the issuance revocation or suspension of licenses and prescribing unlawful acts and penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

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EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 1 Short Title This act shall be known and may be cited  
2 as the "Boiler Engineers Act"

3 Section 2 Definitions As used in this act

4 (1) "Board" means the State Board of Examiners for Boiler En-  
5 gineers

6 (2) "Persons" means any natural person association partnership or  
7 corporation Whenever used in any section prescribing and imposing a  
8 penalty or imposing a fine or imprisonment or both the term "person"  
9 as applied to an association shall include the members thereof and as  
10 applied to a corporation the officers thereof The provisions of this act  
11 restricting or regulating the actions of any person shall be construed  
12 as regulating or restricting the actions of the employes and agents  
13 of such person

14 (3) "High pressure boiler" means any steam boiler where the safety  
15 valve is set to relieve at a pressure of fifteen pounds per square inch

16 (4) "Low pressure boiler" means any steam boiler where the  
17 safety valve is set to relieve at a pressure of fifteen pounds per square  
18 inch or less

19 (5) "Boiler horsepower" means (i) the evaporation of thirty-four  
20 and five-tenths pounds of steam per hour or (ii) thirty-three thousand

1 four hundred and seventy-five British thermal units per hour or (iii)  
2 one hundred and forty square feet of steam radiation or (iv) two hun-  
3 dred and twenty-four square feet of hot water radiation at one hun-  
4 dred and fifty degrees Fahrenheit or (v) ten kilowatts per hour electrical  
5 input to the boiler

6 (6) "Horsepower rating" means the largest rating determined by  
7 dividing the square feet of boiler heating surface by ten or in the case  
8 where the boiler rating is based on other than ten square feet of  
9 heating surface per horse power the manufacturer's output rating in  
10 horsepower shall be used and when the manufacturer's rating is  
11 expressed in terms other than horsepower such rating shall be converted  
12 into horsepower by the use of one of the facts in clause (5) above

13 (7) "Compressor horsepower of a refrigeration system" means the  
14 manufacturer's horsepower rating as given on the name plate of the unit

15 (8) "Ton of refrigeration" means the removal of heat at the rate  
16 of twelve thousand British thermal units per hour or two hundred  
17 British thermal units per minute

18 (9) "Horsepower rating of a refrigeration system" means the com-  
19 pressor horsepower or tons of refrigeration as converted to horsepower  
20 on an equal basis

1 Section 3 Exclusions The provisions of this act shall apply to all  
2 boilers within the Commonwealth except those located in public util-  
3 ities farms private dwellings and those under Federal jurisdiction This  
4 act shall not apply to boilers where the safety valve or valves are set  
5 at less than fifteen pounds per square inch and having an aggregate  
6 less than one thousand square feet of heating surface except where  
7 such boilers are located in theatres hospitals educational institutions  
8 hotels and institutions licensed by the Commonwealth

9 Section 4 License Required (a) Two years after the effective date  
10 of this act no person shall have charge of or operate a boiler or any  
11 steam-driven machinery nor any refrigeration machinery with an ag-  
12 gregate of fifty horsepower capacity within the Commonwealth unless  
13 said person is at least twenty-one years of age except in the case of  
14 firemen who shall be at least eighteen years of age and hold a license  
15 as hereinafter provided for

16 (b) Two years after the effective date of this act no owner or user  
17 of any boiler or any steam-driven machinery nor of any refrigeration  
18 machinery with an aggregate of fifty horsepower capacity shall operate  
19 or cause to operate the same within the Commonwealth without having  
20 a duly qualified licensed person in charge of such operation

1 (c) The basis for determining the grade of license required shall be  
2 the total horsepower rating of all boilers or machinery installed or con-  
3 nected in the building

4 Section 5 Application (a) Before any license is issued application  
5 shall be made in writing to the board on a form prepared and furnished  
6 by it The application shall contain a statement showing the applicant's  
7 experience and proof thereof and such additional information as the  
8 board may require

9 (b) The applicant shall pay a fee of ten dollars (\$10) upon ap-  
10 plication for an initial license and three dollars (\$3) upon application  
11 for a transfer of a license from one class to a higher class

12 (c) If the applicant has met with all the requirements hereinafter  
13 set forth and if upon full consideration the board is satisfied that the  
14 applicant's character and morals and knowledge and experience in the  
15 duties of an engineer or fireman are satisfactory it shall grant him a  
16 license upon the payment of the fees as provided above

17 (d) Such license shall authorize him to be employed in such duties  
18 for a term of one year and such license shall be annually renewed  
19 without examination upon the payment of a fee of two dollars (\$2)  
20 Said license shall not be renewed unless presented for renewal within

1 thirty days after its expiration The board may upon payment of a  
2 one dollar (\$1) fee issue a duplicate license to replace a lost or stolen  
3 one

4 (e) The license of any person that is in effect at the time he enters  
5 active duty with the armed services of the United States or during  
6 a National emergency duty with the Maritime Service shall remain  
7 in effect during the period of such service plus six months after dis-  
8 charge without the payment of any fee Provided That such license  
9 shall expire six months after discharge if not renewed as provided  
10 above

11 Section 6 Powers and Duties of the Board The board shall have  
12 the power and its duty shall be

13 (1) To grant and transfer licenses for boiler engineers or firemen  
14 for any applicant who has not knowingly been and is not now a member  
15 of any organization that advocates the overthrow of the Government  
16 of the United States or this Commonwealth by force or violence or  
17 unconstitutional means and who has not knowingly been and is not  
18 now a member of the Communist party or advocates the political  
19 tenets thereof and who had successfully passed the examination herein  
20 provided

1       (2) To refuse to transfer any license from one class to a higher  
2 class unless the applicant has passed the examination for the higher  
3 class

4       (3) To refuse to examine any applicant for a license under any  
5 of the foregoing classifications until he has furnished proof to the board  
6 that he has been employed in operating or in assisting in the actual  
7 operation of a boiler steam-driven machinery or refrigeration machinery  
8 for an aggregate period prior to the date of application the minimum  
9 period being five years for a class 1 license four years for a class 2  
10 license three years for a class 3 or 4 license and two years for a class  
11 5 or 6 license Such proof of employment shall be certified by one em-  
12 ployer and two persons licensed in a grade equal to or higher than  
13 that to which application is being made who are acquainted with the  
14 applicant and who have direct knowledge of his said employment dur-  
15 ing the required period Other proof of past experience shall be ac-  
16 ceptable when the certification is not available A degree or diploma  
17 held by the applicant from any technical school or college recognized  
18 by the Department of Public Instruction shall be equivalent to one  
19 year's employment for the purpose of this clause

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14 applicant and who have direct knowledge of his said employment dur-  
15 ing the required period Other proof of past experience shall be ac-  
16 ceptable when the certification is not available A degree or diploma  
17 held by the applicant from any technical school or college recognized  
18 by the Department of Public Instruction shall be equivalent to one  
19 year's employment for the purpose of this clause

1 (4) To grant a license without examination upon payment of a  
2 two dollar (\$2) fee to any applicant in the Commonwealth of Penn-  
3 sylvania who shall present a certificate from his employer or employers  
4 showing that the applicant is qualified and has been employed for  
5 more than two years in the aggregate prior to the effective date of  
6 this act in the operation of boilers steam machinery or refrigeration  
7 machinery that requires a licensed engineer or fireman under section  
8 4 of this act The class of license to be given shall be determined in  
9 the sound discretion of the board

10 (5) To grant a license without examination upon payment of a  
11 two dollar (\$2) fee to any applicant who has at the effective date of  
12 this act a license to operate boilers steam machinery or refrigeration  
13 machinery given under the authority of an ordinance of any city of  
14 the Commonwealth The class of license to be given shall be compar-  
15 able to the class of license the applicant was issued under the ordinance

16 (6) To prescribe the subject material manner time and place  
17 of examination and the filing of applications for examination and  
18 licenses and to supervise and provide for the conduct of the examina-  
19 tion to make written reports of such examinations which reports shall  
20 be filed with the Department of Public Instruction and to certify

1 to the Department of Public Instruction such applicants as success-  
2 fully passed such examination The subject matter of all examinations  
3 shall be confined to such knowledge as is essential to practice as a  
4 boiler or refrigerator engineer or fireman as the case may be To grade  
5 the examination returned by candidates and keep them for at least  
6 one year if said applicant obtained a grade of less than seventy-five  
7 per centum Any unsuccessful candidate may upon written request  
8 to the board see his graded paper

9 (7) To investigate and conduct hearings and to discipline and  
10 prosecute those guilty of illegal practices

11 (8) To suspend and revoke by majority action of the entire board  
12 the license of any licensee who has been convicted of a crime or mis-  
13 demeanor involving moral turpitude or practices habitual intemper-  
14 ance or who is addicted to the use of narcotic drugs or is insane or  
15 adjudged mentally incompetent and to reinstate licenses in any cases  
16 where a majority of the entire board shall determine the same to be  
17 just and proper The board by majority action of the entire board may  
18 suspend and revoke the license of any licensee who has been found  
19 after due and proper investigation and hearing to have been or pres-  
20 ently is a member of any organization that advocates the overthrow

1 of the Government of the United States or this Commonwealth by  
2 force or violence or other unconstitutional means and has been or is  
3 presently a member of the Communist party or advocates the political  
4 tenets thereof

5 The board may suspend or revoke the license of any person if  
6 obtained through fraud or error if he is engaged in fraudulent opera-  
7 tions if he violates any law rule or regulation relating to boiler steam  
8 machinery or refrigeration machinery operation or if the board  
9 finds him guilty of negligence unskillfulness or wilful endangering of  
10 life

11 (9) To provide for regulate and require all persons licensed in ac-  
12 cordance with the provisions of this act to renew his license annually to  
13 prescribe the form of such license renewal to require as a condition  
14 precedent to such renewal license the payment of the renewal fee and  
15 to revoke the license of any person who fails refuses or neglects to apply  
16 for a renewal or pay such fee except as provided in subsections (d) and  
17 (e) of section 5

18 (10) To keep a record of all licenses issued by the board and to  
19 keep minutes and records of all its transactions and proceedings for a  
20 period of at least eight years

1 (11) To enter and inspect in the performance of their duties any  
2 and all premises wherein a license is or may be required and whenever  
3 a violation of this act is being or has been committed It shall be unlaw-  
4 ful for any person or corporation in any manner to hinder obstruct  
5 delay resist prevent or in any way interfere or attempt to interfere  
6 with any of the personnel of the board in the performance of any duty  
7 herein required or refuse to permit such authorized persons to per-  
8 form their duty by refusing them or any of them entrance to the  
9 premises upon identification Each day during which such unlawful act  
10 continues shall constitute a separate violation

11 (12) To adopt promulgate and enforce such rules and regulations  
12 as may be deemed necessary and proper by the board to carry into effect  
13 the powers hereby conferred

14 (13) To require every holder of a license to place it in a frame under  
15 glass in some conspicuous place about the boiler steam-driven or re-  
16 frigeration machinery where it can be seen at all times

17 Section 7 Classes of Licenses Licenses so granted shall be graded  
18 into six classes as follows

19 (1) License in Class 1 Engineer shall entitle licensee to have charge

1 of or operate any boilers steam-driven machinery and refrigeration  
2 machinery

3 (2) Licenses in Class 2 Engineer shall entitle licensee to have charge  
4 of steam-driven machinery up to and including two hundred horsepower  
5 and boiler or boilers up to and including in the aggregate four hundred  
6 horsepower and refrigeration machinery He may also operate any steam-  
7 driven machinery and boiler or boilers under a Class 1 Engineer

8 (3) Licenses in Class 3 Engineer shall entitle licensee to have  
9 charge of steam-driven machinery up to and including fifty horsepower  
10 and boiler or boilers up to and including in the aggregate one hundred  
11 fifty horsepower He may also operate steam-driven machinery up to and  
12 including three hundred horsepower and any boiler or boilers under the  
13 supervision of a duly classified licensed engineer in class 1 or class 2

14 (4) Licenses in Class 4 Engineer shall entitle licensee to have charge  
15 of or to operate portable boilers and portable steam-driven machinery

16 (5) Licenses in Class 5 Fireman shall entitle licensee to have charge  
17 of or to operate in the aggregate one hundred horsepower of over

1 fifteen pounds pressure per square inch or any boiler or boilers of an  
2 aggregate of less than four hundred fifty horsepower and less than  
3 fifteen pounds pressure per square inch and auxiliaries thereto He may  
4 also operate any boiler or boilers under the supervision of a duly classified  
5 licensed engineer in class 1 to class 4

6 (6) Licenses in Class 6 Engineer shall entitle the licensee to have  
7 charge of refrigeration machinery

8 Section 8 Records of Defects Any engineer licensed under the  
9 provisions of this act shall assist the inspectors in their examination  
10 of any boilers steam-driven machinery or refrigeration machinery  
11 under the charge of said engineer and shall point out all defects and  
12 imperfections known to him in the boilers or machinery and shall  
13 keep an accurate record of all defects and inspections

14 Section 9 Notice It shall be the duty of every licensed person  
15 when he takes or vacates a position as engineer or fireman to notify  
16 the board of such fact and any failure to comply with this provision  
17 shall be punishable by suspension of his license for such a period as  
18 the board shall determine

1 Section 10 Substitution of Unlicensed Person Every owner or  
2 lessee or agent of the owner or lessee of any boilers steam-driven  
3 machinery or refrigeration machinery embraced within the provisions  
4 of this act or any auxiliaries connected therewith is forbidden to  
5 delegate or transfer in any manner whatsoever the responsibility or  
6 liability for the management operation or maintenance in good con-  
7 dition and repair of any such boiler steam-driven machinery or refrigera-  
8 tion machinery or auxiliaries connected therewith to any person or  
9 persons other than a duly classified licensed engineer in charge thereof  
10 Provided That in case of the absence from duty of any such licensed  
11 engineer an unlicensed person may take the place of said engineer for  
12 a period not exceeding ten days Such period may be extended to thirty  
13 days in the discretion of the board The board shall be notified of any  
14 temporary change prior to or at the time the change is made

15 Section 11 Procedure All actions of the board shall be made only  
16 in accordance with the rules and regulations of the board and only by  
17 a majority vote of the members of the board and shall be subject to  
18 the right of notice hearing and adjudication and the right of appeal  
19 therefrom in accordance with the provisions of the act of June 4 1945  
20 (P L 1388) known as the "Administrative Agency Law"

1 Section 12 Records to be Public Evidence The records of the  
2 board shall be public and open to inspection during business hours  
3 Copies thereof duly certified by the secretary of the board or any  
4 of his deputies shall be admissible in evidence in all courts and else-  
5 where

6 Section 13 Penalties Any person violating any of the provisions  
7 of this act shall on conviction thereof be liable to a fine of not less  
8 than twenty-five dollars (\$25) nor more than three hundred dollars  
9 (\$300) and costs of prosecution to be collected by summary proceed-  
10 ings before any magistrate and in default of payment of such fine  
11 and costs may be committed to imprisonment for a period not exceed-  
12 ing thirty days In addition such person's license shall be suspended  
13 or revoked as the board shall determine

14 Section 14 Repeals The act of April 4 1905 (P L 102) entitled  
15 "An act to provide for the better protection of life and property by  
16 the examination and licensing of engineers having charge of steam-  
17 boilers steam-engines and appliances connected therewith in cities of  
18 the second and third class of this Commonwealth and providing penal-  
19 ties for violation" is repealed and all other acts and parts of acts are  
20 repealed in so far as they are inconsistent herewith

**1** Section 15 Effective Date This act shall take effect January 1  
**2** 1962

We certify that this bill has passed the Senate and the House of  
Representatives.

.....  
Chief Clerk, Senate

.....  
President pro tempore, Senate

.....  
Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

.....  
Governor