

**SENATE BILL NO. 2411
with House Amendments**

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2411

Introduced by

Senators Warner, O'Connell

Representative S. Kelsh

1 A BILL for an Act to amend and reenact sections 26.1-22.1-09 and 26.1-22.1-14 of the North
2 Dakota Century Code, relating to hobby boiler operator licensing and fees.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 26.1-22.1-09 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **26.1-22.1-09. Inspection and certificate fees.** Upon completion of inspection, the
7 owner or user of a boiler shall pay to the commissioner fees or a combination of inspection and
8 certificate fees. Inspection fees must be determined by the commissioner. Certificate fees are
9 determined by section 26.1-22.1-10. The commissioner must determine and may annually
10 adjust a fee scale for the internal inspections of power boilers, internal inspections of low
11 pressure heating boilers, external inspections of all boilers, and inspection of boilers used
12 exclusively for exhibition purposes.

13 Not more than one hundred fifty dollars may be charged or collected for any one
14 inspection of a boiler except for special inspections made upon request. Not more than
15 seventy-five dollars may be charged or collected for any one inspection of a steam traction
16 engine except for special inspections made upon request. All other inspections made by the
17 chief boiler inspector, including shop inspections and reviews and special inspections when
18 requested by the owner or user of a boiler, must be charged at a rate not to exceed three
19 hundred fifty dollars per day or two hundred dollars per half day of four hours or less, plus
20 payment for mileage, meals, and hotel expenses as allowed by sections 44-08-04 and
21 54-06-09, except that the mileage rate for a state-owned vehicle will be the actual amount
22 incurred by the commissioner. The annual fee for the issuance of a reciprocal commission card
23 for a special inspector is twenty-five dollars and the annual fee for the issuance of a
24 welder-qualified card is ten dollars. The fee for taking an examination for a hobby boiler

1 operating license is twenty-five dollars and the fee for a hobby boiler operating license is
2 twenty-five dollars. A hobby boiler operating license issued under this section is valid for four
3 years.

4 **SECTION 2. AMENDMENT.** Section 26.1-22.1-14 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **26.1-22.1-14. Rules - Penalty for violation - Hearing.** The commissioner shall adopt
7 rules for the safe and proper installation, use, operation, and inspection of boilers and pressure
8 vessels subject to this chapter. The commissioner shall adopt rules for the licensing of
9 operators of hobby boilers used during parades, exhibitions, and threshing shows where the
10 public is invited. A fee must be charged for an operating license, for a license renewal, and for
11 an examination conducted to determine minimum competence. Individuals operating hobby
12 boilers within this state as of July 1, 2007, are considered acceptable for a conditional license
13 without additional training or examination. The commissioner may not issue a certificate of
14 inspection to any owner or user of a boiler who fails or refuses to comply with those rules. The
15 commissioner shall revoke any certificate presently in force upon evidence that the owner or
16 user of the boiler is failing or refusing to comply with the rules.

17 Any owner or user of a boiler may request a hearing before the commissioner within
18 fifteen days from service of an order refusing or revoking a certificate of inspection. It is the
19 burden of the owner or user to show cause why the certificate of inspection should not be
20 refused or revoked. If no hearing is requested within the required period, the order of the
21 commissioner becomes final and is not subject to further proceedings.