

WORKMEN'S COMPENSATION

CHAPTER 695

SENATE BILL NO. 2172

(Committee on Industry, Business, and Labor)

(At the request of the Workmen's Compensation Bureau)

COMPENSABLE INJURY, DISABILITY, AND PERMANENT IMPAIRMENT

AN ACT to create and enact one new subsection to section 65-01-02 of the North Dakota Century Code, relating to a definition of disability; and to amend and reenact subsections 8 and 11 of section 65-01-02, and section 65-05-14 of the North Dakota Century Code, relating to definitions of injury and permanent impairment, and to permanent impairment benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. One new subsection to section 65-01-02 of the 1981 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

"Disability" means inability to work as a result of a compensable injury.

SECTION 2. AMENDMENT. Subsections 8 and 11 of section 65-01-02 of the 1981 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

8. ~~"Injury"~~ shall mean "Compensable injury" means an injury by accident arising out of and in the course of employment including an injury caused by the willful act of a third person directed against an employee because of his employment, but such term shall not include an injury caused by the employee's willful intention to injure himself or to injure another, nor any injury received because of the use of narcotics or intoxicants while in the course of the employment. If an injury is due to heart attack or stroke, such heart attack or stroke must be causally related to the worker's employment, with reasonable medical certainty, and must have been precipitated by unusual stress. Such term, in addition to an injury by accident, shall include:
 - a. Any disease which can be fairly traceable to the employment. Ordinary diseases of life to which the

general public outside of the employment is exposed shall not be compensable except where the disease follows as an incident to, and in its inception is caused by a hazard to which an employee is subjected in the course of his employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. The disease includes impairment and effects from radiation fairly traceable to the employment. It need not have been foreseen or expected, but after it is contracted, it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

b. An injury to artificial members.

11. "Permanent impairment" ~~shall include~~ means the loss of or loss of use of a member of the body and includes disfigurement resulting from an injury if such disfigurement diminishes the ability of the employee to obtain employment.

SECTION 3. AMENDMENT. Section 65-05-14 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-14. Scheduled injuries - Partial loss of use of member - Weekly compensation time - Compensation payable. If an injury causes ~~the partial~~ permanent impairment of a member, the sight of an eye, or the hearing in an ear ~~which is permanent~~, the fund shall pay to the impaired employee a weekly compensation for that proportion of the number of weeks specified in the schedule in section 65-05-13 for the loss of such member, the sight of an eye, or the hearing in an ear, which the partial loss of the use thereof bears to the total loss of the use of such member, eye, or ear.

Recovery under this section shall bar an additional award of permanent impairment for the same injury, as elsewhere provided in this chapter.

Approved April 13, 1983

CHAPTER 696

HOUSE BILL NO. 1186
(Committee on Industry, Business, and Labor)
(At the request of the Workmen's Compensation Bureau)

EMPLOYER'S PAYROLL INFORMATION

AN ACT to amend and reenact sections 65-04-05, 65-04-06, 65-04-14, 65-04-15, and 65-04-19 of the North Dakota Century Code, relating to payroll information from employers and reporting of same.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-05. Employer to furnish payroll information to bureau - Determination of status - Report of actual and estimated payrolls. Every employer upon request shall furnish the bureau ~~upon request~~ or its representative with the information required by it to carry out the purpose of this title. If the bureau finds that any person, firm, private or public corporation or any public service corporation, either within or without the state of North Dakota, is an employer within the meaning of this title, it shall determine the date when ~~he or it~~ that entity became ~~such~~ which an employer. That finding and determination, for all the purposes of this title, shall be prima facie but not conclusive evidence thereof. The bureau forthwith shall give notice of said action to the employer who immediately thereafter shall furnish the bureau with a payroll report covering the period included in said finding not exceeding twelve months immediately preceding the date of such finding, together with an estimated payroll for twelve months next succeeding from the date of such finding, and shall comply with all provisions of this title.

SECTION 2. AMENDMENT. Section 65-04-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-06. Bureau to furnish blanks to employers---Employer must complete and return blanks Bureau to specify method of providing information - Verification may be required. Information required by the bureau shall be furnished ~~on blanks to be prepared by it~~, and the bureau shall furnish such blanks to employers free of

charge upon request therefor. Every employer receiving from the bureau any blank with directions to fill out the same shall cause the same to be filled out properly so as to answer fully and correctly all questions therein propounded and so as to give all the information therein sought, or if unable to do so, he shall give to the bureau in writing good and sufficient reasons for such failure. The bureau may require that information furnished be verified under oath and returned to the bureau within the period fixed by it or by law by employers on preprinted forms provided free of charge, or in another manner specified by the bureau. If an employer is unable to provide the information required, he shall submit to the bureau in writing good and sufficient reason therefor. The bureau and its representatives may require any employer to submit information verified under oath within the time period fixed by it or by law.

SECTION 3. AMENDMENT. Section 65-04-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-14. False payroll report - Liability of employer - Collection and disposition of penalty. Any employer who willfully misrepresents to the bureau or its representative the amount of payroll upon which a premium under this title is based shall be liable to the state in ten times the amount of the difference between the premium paid and the amount the employer should have paid. The liability to the state under this section shall be enforced in a civil action in the name of the state, and all sums collected under the section shall be paid into the fund.

SECTION 4. AMENDMENT. Section 65-04-15 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-15. Information in employer's reports confidential - Penalty if employee of bureau divulges information. The information contained in an employer's report to the bureau shall be for the exclusive use and information of the bureau in the discharge of its official duties and shall not be open to the public nor used in any court in any action or proceeding pending therein unless the bureau is a party thereto. The information contained in such report, however, may be tabulated and published by the bureau in statistical form for the use and information of the state departments and of the public. Anyone who is convicted under section 12.1-13-01 shall be disqualified from holding any office or employment with the bureau.

The workmen's compensation bureau may upon request of the state tax commissioner, the commissioner of labor, or the secretary of state, or the unemployment compensation division of the employment security bureau furnish to them a list or lists of employers showing only the names, addresses, and workmen's compensation bureau file identification numbers of such employers, provided that any such list so furnished shall be used by the tax commissioner, the commissioner of labor, or the secretary of state, or the employment security bureau only for the purpose of administering their duties. The bureau may provide the job service

North Dakota bureau with information obtained pursuant to the administration of the North Dakota workmen's compensation law. Any information so provided must be used only for the purpose of administering the duties of the job service North Dakota bureau.

SECTION 5. AMENDMENT. Section 65-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-19. Bureau to determine premium due from employer - Mailing of pay-in-order as notice of amount due. The bureau shall determine the amount of premium due from every employer subject to the provisions of this title for the twelve months next succeeding the date of expiration of a previous period of insurance or next succeeding the date at which the bureau received information that an employer is subject to the title. The bureau then shall order such premium to be paid into the fund and ~~shall mail~~ a copy of the pay-in-order must be mailed to such employer. Such mailing shall constitute notice to the employer of the amount due.

Approved March 3, 1983

CHAPTER 697

HOUSE BILL NO. 1185
(Committee on Industry, Business, and Labor)
(At the request of the Workmen's Compensation Bureau)

INSTALLMENT PAYMENT OF PREMIUMS

AN ACT to create and enact a new subsection to section 65-04-22 of the North Dakota Century Code, relating to premium payments in default; and to amend and reenact section 65-04-20 of the North Dakota Century Code, relating to installment payments of premiums.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-04-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-20. Installment payment of premiums - Bond required. If the amount of premium billed to an employer on a pay-in-order is in excess of one hundred dollars, such premium may be paid in installments as follows:

1. If the employer is the state of North Dakota, or any department, industrial association, or political subdivision thereof, such premium may be paid in two equal semiannual installments at the option of the state, department, industrial association, or political subdivision, and no bond or undertaking shall be required to secure the payment of deferred premiums;
2. If the employer is other than one mentioned in subsection 1, such premium may be paid, at the option of the employer, in two equal semiannual installments or in four equal quarterly installments. An employer wishing to pay premiums in installments under the provisions of this subsection shall file, on or before the due date of the first payment, the first payment and a satisfactory bond guarantying the payment of all deferred installments prior to the date of their, and each of their, default, in the event of default and guarantying, further, the payment of penalties and court costs in the event of default. A bond may cover one or more annual premiums specified in the

pay-in-order, but if more than one year's premium is covered, the bond shall be a surety bond.

Interest shall be charged at the rate of five nine percent per annum on all premiums deferred under the provisions of this section, and upon default in payment of any installment such installment shall carry penalties as provided in this chapter.

SECTION 2. A new subsection to section 65-04-22 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

If the employer has elected to pay his premium in installments, default of any installment payment will, at the option of the bureau, make the entire remaining balance of the premium due and payable.

Approved March 3, 1983

CHAPTER 698

HOUSE BILL NO. 1479
(Sanstead, G. Martin, DuBord)

WORKMEN'S COMPENSATION PREMIUM

AN ACT to amend and reenact section 65-04-23 of the North Dakota Century Code, relating to penalties for default in the payment of workmen's compensation premiums.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-04-23 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-04-23. Penalties for default in payment of premiums. Whenever any employer defaults in the payment of any premium, or any installment thereof of the premium, or in the filing of any bond required under the provisions of this chapter, penalties shall attach as follows:

- 1- One percent of the premium but not less than eight dollars for the first thirty days of default, and
- 2- One percent of the premium for each thirty days of default thereafter but not less than two dollars.

When the premium is paid within twelve months of the date of the pay-in-order originally billing such premiums, however, the penalty for such first year shall not exceed the amount of the premium to which the penalty attaches. the employer at the time of default is subject to a penalty of twenty-five dollars plus two percent of the amount in default, and beginning one month after default, a penalty of two percent of the amount in default for each month or fraction of a month the obligation remains unpaid.

Approved April 5, 1983

CHAPTER 699

HOUSE BILL NO. 1218
(Committee on Industry, Business, and Labor)
(At the request of the Workmen's Compensation Bureau)

PNEUMOCONIOSIS CLAIMS

AN ACT to create and enact one new section to chapter 65-05 of the North Dakota Century Code, relating to pneumoconiosis claims; and to amend and reenact sections 65-02-09, 65-05-05, and 65-05-19 of the North Dakota Century Code, relating to general information and biennial reports, payments to insured employees including pneumoconiosis claims, and nondependency payments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 65-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

Pneumoconiosis claims. The bureau shall provide such additional coverage, allow such additional time for claims to be filed, and pay such additional compensation and other benefits in excess of the coverage, filing time, and benefits otherwise provided in this title, as may be required by the Federal Coal Mine Health and Safety Act of 1969 and amendments thereto, for any coal miner, his widow, or dependents who, due to the disability or death of such coal miner as the result of pneumoconiosis, would be entitled to claim benefits under such federal Act; provided, however, that such claim is first filed with the federal agency designated in the federal Act and adjudicated and found compensable by them; and provided that such pneumoconiosis was contracted or aggravated as the result of employment as a coal miner in the state of North Dakota.

The bureau shall adopt such reasonable rules and enter into such agreements necessary to comply with section 421 of said federal Act.

SECTION 2. AMENDMENT. Section 65-02-09 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-02-09. General information to public - Biennial report of bureau. The bureau, from time to time, may publish and distribute among employers and employees such general information as to the business transacted by the bureau as in its judgment may be useful. The bureau, under the oath of at least two of its members, shall make a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the report shall include:

1. A statement of the number of awards made by it.
2. A general statement of the causes of accidents leading to the injuries for which the awards were made.
3. A detailed statement of the disbursements from the fund.
4. A statement of the conditions of the various funds carried by the bureau.
5. Any other matters which the bureau wishes to call to the attention of the governor, including any recommendation for legislation or otherwise which it may have to make.

SECTION 3. AMENDMENT. Section 65-05-05 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-05. Payments made to insured employees injured in course of employment and to their dependents. The bureau shall disburse the fund for the payment of compensation and other benefits as provided in this chapter to employees, or to their dependents in case death has ensued, who:

1. Are subject to the provisions of this title;
2. Are employed by employers who are subject to this title; and
3. Have been injured in the course of their employment.

Where compensation is received through some other state act no compensation shall be allowed under this title unless such benefits are awarded by another state as a supplement to this state's benefits.

The bureau shall provide such additional coverage, allow such additional time for claims to be filed, and pay such additional compensation and other benefits in excess of the coverage, filing time, and benefits otherwise provided in this title, as may be required by the Federal Coal Mine Health and Safety Act of 1969 and amendments thereto, for any coal miner, his widow, or dependents who, due to the disability or death of such coal miner as the result of pneumoconiosis, would be entitled to claim benefits under such

federal Act, provided, however, that such pneumoconiosis was contracted or aggravated as the result of employment as a coal miner in the state of North Dakota.

The bureau shall adopt such reasonable rules and regulations and enter into such agreements necessary to comply with section 421 of said federal Act.

SECTION 4. AMENDMENT. Section 65-05-19 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-19. Providing nondependency payments in certain cases. If the death of an employee with no surviving spouse or dependent children results from an injury within the time specified in section 65-05-16, the bureau shall pay a lump sum of two thousand dollars to the surviving nondependent child, or in equal shares to the surviving nondependent children. In the event that no nondependent child is living, the sum provided herein shall be paid in equal shares to the surviving parents of the deceased, and if there are none, then to the deceased employee's living brothers and sisters. Where there are no living brothers or sisters, the sum herein shall be paid in equal shares to the surviving grandparents, if any, of the deceased employee.

Approved March 8, 1983

CHAPTER 700

SENATE BILL NO. 2173
(Committee on Industry, Business, and Labor)
(At the request of the Workmen's Compensation Bureau)

WORKMEN'S COMPENSATION IMPAIRMENT AND DEATH BENEFITS

AN ACT to amend and reenact sections 65-05-12, 65-05-13, 65-05-17, and 65-05-26 of the North Dakota Century Code, relating to permanent impairment benefits, death benefits, and burial expenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-05-12 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-12. Permanent impairment - Weekly compensation - Time paid. If the injury causes permanent impairment, other than scheduled injuries, as elsewhere provided for in this chapter, the percentage which such impairment bears to total impairment shall be determined, and the fund shall pay to the impaired employee a weekly compensation in the sum of ~~forty~~ sixty dollars per week for the following periods:

For a one percent impairment	5 weeks.
For a ten percent impairment	50 weeks.
For a twenty percent impairment	100 weeks.
For a thirty percent impairment	150 weeks.
For a forty percent impairment	200 weeks.
For a fifty percent impairment	250 weeks.
For a sixty percent impairment	300 weeks.
For a seventy percent impairment	350 weeks.
For an eighty percent impairment	400 weeks.
For a ninety percent impairment	450 weeks.

SECTION 2. AMENDMENT. Section 65-05-13 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-13. Scheduled injuries - Permanent loss of member - Weekly compensation - Time compensation payable. If the injury causes the loss of a member, the fund shall pay to the impaired employee a weekly

compensation equal to ~~forty~~ sixty dollars per week for the following periods:

1. For loss of arm at shoulder ----- 250 weeks.
2. For loss of arm at or above
elbow ----- 220 weeks.
3. For loss of hand at or above
wrist ----- 200 weeks.
4. For loss of thumb ----- 65 weeks.
5. For loss of second or distal
phalange phalanx of thumb ----- 28 weeks.
6. For loss of first finger ----- 40 weeks.
7. For loss of middle or second
phalange phalanx of first finger --- 28 weeks.
8. For loss of third or distal
phalange phalanx of first finger --- 22 weeks.
9. For loss of second finger ----- 30 weeks.
10. For loss of middle or second
phalange phalanx of second finger -- 22 weeks.
11. For loss of third or distal
phalange phalanx of second finger -- 14 weeks.
12. For loss of third finger ----- 20 weeks.
13. For loss of middle or second
phalange phalanx of third finger --- 16 weeks.
14. For loss of third or distal
phalange phalanx of third finger ---- 10 weeks.
15. For loss of fourth finger ----- 16 weeks.
16. For loss of middle or second
phalange phalanx of fourth finger -- 12 weeks.
17. For loss of third or distal
phalange phalanx of fourth finger -- 6 weeks.
18. For loss of leg at hip ----- 234 weeks.
19. For loss of leg at or above
knee ----- 195 weeks.
20. For loss of foot at or above
ankle ----- 150 weeks.
21. For loss of great toe ----- 30 weeks.
22. For loss of second or distal
phalange phalanx of great toe ----- 18 weeks.
23. For loss of any other toe ----- 12 weeks.
24. For loss of middle or second
phalange phalanx of any other toe -- 10 weeks.
25. For loss of third or distal
phalange phalanx of any other toe -- 7 weeks.
26. For loss of an eye ----- 150 weeks.
27. For loss of hearing in
one ear ----- 50 weeks.
28. For loss of hearing in
both ears ----- 200 weeks.

The amount paid for the loss of more than one finger of one hand shall not exceed the amount provided in this schedule for the loss of a hand. For the loss of the metacarpal bone, of the palm, together with the corresponding thumb or finger, ten weeks shall be added to the number of weeks of payment. The permanent loss of use

of a thumb, finger, toe, arm, hand, foot, leg, or eye shall be considered as the equivalent of the loss of such thumb, finger, toe, arm, hand, foot, leg, or eye, and compensation for partial loss of use of said parts shall be allowed on a percentage basis. Twenty-five percent additional shall be allowed as compensation for the loss of use of the master hand or any member or members thereof. The loss of any part of a ~~phalange~~ phalanx shall be considered equal to the loss of the entire ~~phalange~~ phalanx. If any employee dies from some independent cause, the right of any compensation payable under section 65-05-12 or this section, unpaid at the date of his death, shall survive and pass to his dependent spouse, minor children, parents, or his estate and in that order named.

Recovery under this section shall bar an additional award of permanent impairment for the same injury, as elsewhere provided in this chapter.

SECTION 3. AMENDMENT. Section 65-05-17 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-17. Weekly compensation allowances for death claims. If death results from an injury under the conditions specified in section 65-05-16, the fund shall pay to the following persons, for the periods specified, a weekly compensation:

1. To the spouse or guardian of the orphaned child or children of the decedent, an amount equal to two-thirds of the weekly wage of the deceased, not to exceed ~~one hundred~~ five two hundred ten dollars per week, until the death or remarriage of the spouse; or, in the case of a guardian, until the orphaned child or children of the decedent reach the age of eighteen; or, if such child or children are incapable of self-support, until they are capable of self-support. Where there is more than one orphaned child of a decedent, death benefits shall be divided equally among guardians. In no case shall total death benefits be less than ten dollars per week. In no case shall total death benefits exceed one hundred seventy-five thousand dollars as a result of any employee's death.
2. To each surviving dependent child or issue of said deceased employee born within ten months after the employee's date of death, the amount of seven dollars until such child dies, marries, or reaches the age of eighteen years or if such child is incapable of self-support until it becomes capable of self-support. The bureau, in its discretion, may make such payment directly to such surviving child or issue of the deceased employee or to the surviving parent or guardian of such child or issue.

In addition to the awards herein, the commissioners shall make an award in the sum of three hundred dollars to the spouse or guardian

of the orphaned child or children of the deceased and one hundred dollars for each dependent child. Where there is more than one guardian of orphaned children, the three hundred dollars shall be divided equally among such guardians.

SECTION 4. AMENDMENT. Section 65-05-26 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-26. Bureau burial expenses. If death results from an injury within six years, the fund shall pay to the personal representatives of the deceased employee burial expenses not to exceed two thousand five hundred dollars.

Approved April 14, 1983

CHAPTER 701

SENATE BILL NO. 2350
(Senator Lashkowitz)
(Representatives Retzer, Aubol)

SUPPLEMENTARY WORKMEN'S COMPENSATION BENEFITS

AN ACT to amend and reenact section 65-05.2-02 of the North Dakota Century Code, relating to the amount of supplementary workmen's compensation benefits; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-05.2-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05.2-02. Supplementary benefits - Amount. If a claimant was eligible for the maximum permanent total disability or death benefits in effect at the time of injury, supplementary benefits are ~~twenty-five~~ fifty percent of the difference between the amount of benefits which the claimant ~~is~~ was originally receiving and the maximum amount of benefits in effect on July 1, 1975. Supplementary benefits for a claimant who was eligible for less than the maximum permanent total disability or death benefits in effect at the time of the injury shall be ~~twenty-five~~ fifty percent of the difference between the amount of benefits the claimant ~~is~~ was originally receiving and the benefits in effect on July 1, 1975, in the same proportion as the claimant's present benefits bear to the maximum benefits in effect at the time of injury.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved April 13, 1983

CHAPTER 702

HOUSE BILL NO. 1470
(O'Connell, Vander Vorst)

STEAM BOILER CERTIFICATION AND INSPECTION

AN ACT to amend and reenact section 65-12-06 of the North Dakota Century Code, relating to testing of steam boilers and the time periods for certification and inspection requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-12-06 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-12-06. Certificate of inspection - Certificate to be posted. A certificate of inspection for each boiler inspected shall be issued by the bureau upon receipt of an inspection report certifying that said boilers are in a safe condition to be operated. No certificate of inspection shall be issued for any boiler not in a safe condition to be operated. Such inspection certificate shall be valid for a period of not more than twelve months for power boilers and twenty-four months for low pressure boilers except that a two-month grace period shall be extended for any certificate. Upon written request from a special inspector, the chief boiler inspector may, at his discretion, issue a short term certificate.

Each certificate of inspection shall be posted conspicuously under glass in the boiler room or adjacent to such boiler.

1. Each boiler of one hundred thousand pounds per hour or more capacity, used or proposed to be used within this state, which has internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water where the water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors, and with respect to which boiler the chief boiler inspector has determined that the owner or user has complied with the recordkeeping requirements hereafter prescribed, shall be inspected at least once every twenty-four months internally and externally while

- not under pressure, and at least once every eighteen months externally while under pressure. At any time a hydrostatic test shall be deemed necessary to determine the safety of a boiler, the tests shall be conducted by the owner or user of the equipment under the supervision of the chief boiler inspector.
2. The owner or user of such a boiler of one hundred thousand pounds per hour or more capacity desiring to qualify for twenty-four months inspection shall keep available for examination by the chief boiler inspector accurate records showing the date and actual time the boiler is out of service and the reason or reasons therefore, and the chemical physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than forty-eight hours of operation as will adequately show the condition of the water and any elements or characteristics thereof which are capable of producing corrosion or other deterioration of the boiler or its parts.
 3. In the event an inspection discloses deficiencies in equipment or in operating procedures, inspections may be required once every twelve months.

Approved March 4, 1983

CHAPTER 703

HOUSE BILL NO. 1484
(Sanstead, Erdman)

BOILER INSPECTION FEES

AN ACT to amend and reenact section 65-12-11 of the North Dakota Century Code, relating to boiler inspection fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-12-11 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-12-11. Inspection fees. The owner or user of a boiler required by this chapter to be inspected by the boiler inspector, shall pay to the bureau, upon completion of inspection, fees in accordance with the following schedule:

- 1- Internal inspections of power boilers-
 - a- Not more than one hundred square feet {9-29 square meters} of heating surface ----- eight dollars and fifty cents-
 - b- Over one hundred and not more than two thousand five hundred square feet {232-26 square meters} of heating surface ----- sixteen dollars and fifty cents-
 - c- Over two thousand five hundred square feet {232-26 square meters} of heating surface ----- twenty-six dollars and fifty cents-
- 2- Internal inspections of low pressure heating boilers-
 - a- Boilers without a manhole ----- eight dollars and fifty cents-

- b- Boilers with a manhole ----- sixteen dollars and fifty cents-
- 3- External inspections of all boilers --- eight dollars and fifty cents-
- 4- Boilers used exclusively for exhibition purposes --- eight dollars-

, or a combination of fees, which shall be determined annually by the bureau. The bureau may determine and annually adjust a fee scale for the internal inspection of power boilers, internal inspections of low pressure heating boilers, external inspections of all boilers, and inspection of boilers used exclusively for exhibition purposes.

Not more than thirty-five dollars ~~shall~~ may be charged or collected for any and all inspections, ~~as above,~~ of any boiler in any one year except for special inspections made upon request ~~as hereafter provided.~~ All other inspections made by the boiler inspector including shop inspections and special inspections when requested by the owner or user of a boiler, shall be charged for ~~em~~ according to the current fee scale applicable to an internal inspection plus any additional expenses incurred in connection ~~therewith~~ with the inspection.

The bureau shall charge a fee of three dollars for each certificate of inspection issued as the result of inspections authorized under section 65-12-05. ~~Said~~ The fees shall be are the liability of the insurance company or self-insured company and shall be paid in accordance with rules established by the bureau.

Approved March 8, 1983