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1 Department of Labor and Industry

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3 Adopted Permanent Rules Relating to Boilers and Boats for Hire

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5 Rules as Adopted

6 5225.0100 APPLICATION FOR BOILER OPERATING ENGINEER LICENSE.

7 Any person desiring to take an examination for a license as  
8 a boiler operating engineer shall make written application under  
9 oath, on blanks furnished by the boiler inspector. The  
10 application shall be accompanied by a corroborating affidavit of  
11 at least one employer or a boiler operating engineer possessing  
12 not less than a second class engineer's license certifying to  
13 the applicant's experience as stated in the application. If  
14 affidavits are not obtainable, satisfactory evidence of the  
15 applicant's experience must be furnished.

16 5225.0300 EXPIRATION AND RENEWALS.

17 Subpart 1. **Timing.** Licenses for engineers, unless  
18 revoked, are valid for one year from the date of issuance, with  
19 privilege of renewal without examination upon application to the  
20 Department of Labor and Industry, Boiler Inspection Division,  
21 and payment of a renewal fee within ten calendar days of the  
22 expiration date. The renewal license must be given a  
23 consecutive issue number and the same monthly date as the  
24 original issue. An application for renewal may not be presented  
25 before 30 days preceding the expiration date of the license.  
26 Engineers who fail to renew their licenses before the ten-day  
27 grace period has expired are subject to subparts 2 and 3.

28 [For text of subps 2 and 3, see M.R.]

29 5225.0500 EXAMINATIONS.

30 [For text of subps 1 and 2, see M.R.]

31 Subp. 3. **Effect of failure.** Applicants who fail to pass  
32 an examination shall not be eligible to take another examination  
33 for the same class of license within the following periods:

34 A. special engineer's or hobby license, ten days;

1 [For text of items B and C, see M.R.]

2 5225.0550 DOCUMENTATION OF EXPERIENCE REQUIREMENTS FOR LICENSURE  
3 AS A BOILER OPERATOR.

4 Subpart 1. Compliance requirements. All applicants must  
5 comply with chapter 5225 and Minnesota Statutes, sections  
6 183.375 to 183.62. Applicants with previous experience in a  
7 jurisdiction requiring licensure must show proof of compliance  
8 with the licensure requirements of that jurisdiction in order to  
9 receive credit for the experience. All applicants for licensure  
10 as a hobby boiler operator or boiler operator shall provide  
11 documentation of operating experience for the level of  
12 class/grade applied for in accordance with subparts 2 to 9.

13 [For text of subps 2 to 6, see M.R.]

14 Subp. 7. [See repealer.]

15 [For text of subps 8 to 10, see M.R.]

16 5225.0900 DISPLAY OF LICENSE.

17 Licenses granted must be placed in a glassed frame and be  
18 displayed in a conspicuous place in the engine or boiler room.  
19 Boiler plants operated by a contract boiler operator must have a  
20 copy of the engineer's license of each person who may be  
21 operating the boiler posted in each boiler room.

22 5225.6000 SCOPE.

23 Parts 5225.6000 to 5225.8600 govern boats, as defined by  
24 part 5225.6100, subpart 2, and their pilots.

25 5225.6050 INCORPORATION BY REFERENCE.

26 Subpart 1. Code of Federal Regulations, title 33. To the  
27 extent referred to in parts 5225.6350 and 5225.6500, Code of  
28 Federal Regulations, title 33, section 86.01, and United States  
29 Code, title 33, sections 2002 to 2019, are incorporated by  
30 reference.

31 Subp. 2. Code of Federal Regulations, title 46. To the  
32 extent referred to in parts 5225.6140, 5225.6500, and 5225.7200,  
33 and not in its entirety, the Code of Federal Regulations, title  
34 46, as revised on October 1, 1991, is incorporated by

1 reference. Amendments subsequent to October 1991 are not  
2 incorporated.

3 Subp. 3. Use of terms. For the purpose of parts 5225.6000  
4 to 5225.8600, the following terms in incorporated sections of  
5 Code of Federal Regulations have the meanings given in items A  
6 and B.

7 A. "Officer in charge, marine inspection," or  
8 "officer in charge" means a "chief boiler inspector."

9 B. "Marine inspector" means a "designated boat  
10 inspector" and is used in this chapter to mean a boat inspector  
11 who is designated by the chief boiler inspector of the  
12 Department of Labor and Industry.

13 5225.6100 DEFINITIONS.

14 Subpart 1. [See repealer.]

15 Subp. 1a. Scope. To the extent referred to in parts  
16 5225.6000 to 5225.8600, the terms in this part have the meanings  
17 given them.

18 Subp. 2. Boat. "Boat" means any vessel navigating inland  
19 waters of the state which is propelled by machinery or sails, is  
20 carrying passengers for hire, and is 21 feet or more in length.

21 Subp. 2a. Length. "Length" means the straight-line  
22 distance from the foremost part of the boat (bow) to the rear  
23 most part of the boat (stern).

24 Subp. 2b. Passengers for hire. "Passengers for hire"  
25 means the carriage of any persons by a boat for a valuable  
26 consideration, whether directly or indirectly flowing to the  
27 owner, charterer, agent, or any other person interested in the  
28 boat. Passengers for hire does not include the pilot, the crew,  
29 or other persons employed or engaged in any capacity on board a  
30 boat in the business of that boat.

31 Subp. 3. Under way. "Under way" means a boat when it is  
32 not at anchor and is not made fast to the shore or ground.

33 Subp. 4. Visible. "Visible," when applied to lights,  
34 means visible on a dark night with a clear atmosphere.

35 5225.6140 INSPECTION OF BOATS.

1 Subpart 1. **Inspections required.** Annual inspection by the  
2 Department of Labor and Industry is required of any boat that is  
3 not under the jurisdiction of the Coast Guard.

4 Subp. 2. **Inspections optional.** Boats that are less than  
5 21 feet in length may be inspected by the Department of Labor  
6 and Industry at the owner's request if the owner pays for the  
7 inspection.

8 Subp. 3. **Inspection standards.** The Department of Labor  
9 and Industry, Division of Boiler Inspection, shall conduct the  
10 inspection according to Code of Federal Regulations, title 46,  
11 subparts 175.20, 176.05-5, 176.05-10, and 176.25, and the  
12 requirements in parts 5225.6000 to 5225.8600.

13 5225.6145 PILOT REQUIREMENTS.

14 All pilots must comply with parts 5225.0600, 5225.0700, and  
15 5225.6000 to 5225.8600 and Minnesota Statutes, sections 183.41  
16 to 183.62. The chief boiler inspector may revoke the license of  
17 any pilot who violates these provisions. In that event, the  
18 procedures of part 5225.0880 apply.

19 5225.6150 LICENSE REQUIREMENTS.

20 Subpart 1. **General.** The operation of a boat requires a  
21 valid, current Minnesota pilot's license issued by the  
22 Department of Labor and Industry, Division of Boiler Inspection.

23 Subp. 2. **Requirements for licensure.** An applicant for a  
24 pilot's license must:

25 A. fill out an application on forms provided by the  
26 Department of Labor and Industry;

27 B. submit an affidavit from a person who can attest  
28 to the piloting experience of the applicant as provided in  
29 subpart 3;

30 C. pass an examination prepared by the chief boiler  
31 inspector as described in part 5225.0500, subpart 1, with a  
32 score of at least 75 percent; and

33 D. pay the license fee as provided in part 5225.8600.

34 Subp. 3. **Experience documentation.** An applicant must have  
35 at least 15 hours of training experience operating a boat. The

1 training experience must be supervised by a licensed pilot. The  
2 applicant must submit an affidavit completed by the supervising  
3 licensed pilot attesting to the applicant's training  
4 experience. The applicant must submit the affidavit before  
5 taking the examination.

6 Subp. 4. Exemptions from affidavit and examination  
7 requirement. The affidavit and examination requirement shall be  
8 waived for an applicant possessing a valid, unlimited, current  
9 United States Coast Guard pilot's license. An applicant  
10 possessing a valid, unlimited, current United States Coast Guard  
11 pilot's license must complete an application and pay the fee set  
12 by part 5225.8600. The affidavit and examination requirement  
13 must not be waived for those holding a limited United States  
14 Coast Guard license.

15 Subp. 5. Effect of failure of examination. An applicant  
16 who fails to pass the examination is not eligible to take  
17 another examination for ten days. The fee paid for the  
18 examination shall not be refunded.

19 5225.6160 LICENSE EXPIRATION AND RENEWAL.

20 Subpart 1. Timing. Licenses for pilots, unless revoked,  
21 are valid for one year from the date of issuance, with privilege  
22 of renewal without examination upon application to the  
23 Department of Labor and Industry, Boiler Inspection Division,  
24 and payment of a renewal fee within ten calendar days of the  
25 expiration date. The renewal license must be given a  
26 consecutive issue number and the same monthly date as the  
27 original issue. An application for renewal may not be submitted  
28 before 30 days preceding the expiration date of the license.  
29 Pilots who fail to renew their licenses before the ten-day grace  
30 period has expired are subject to the requirements in subparts 2  
31 and 3.

32 Subp. 2. Application for renewal within one year of  
33 expiration. A license that has expired may be renewed within  
34 one year of expiration without an examination by filing an  
35 application for renewal and submitting the expired renewal fee

1 required in part 5225.8600, subpart 2, item C.

2 Subp. 3. **Renewal application after one year of**  
3 **expiration.** A license that has expired more than one year  
4 before submitting an application for renewal may be renewed by  
5 submitting an application for renewal, passing the examination  
6 described in part 5225.6150, subpart 2, item C, and paying the  
7 fee required in part 5225.8600, subpart 2, item C.

8 5225.6170 DISPLAY OF LICENSE.

9 Licenses must be placed in a glass or plexiglass frame and  
10 be displayed in a conspicuous place in the pilot's station.

11 5225.6350 RULES FOR NAVIGATION.

12 Subpart 1. **Code of Federal Regulations requirements;**  
13 **jurisdiction.** All boats must comply with United States Code,  
14 title 33, sections 2002 to 2019.

15 Subp. 2. **Towing rowboats.** Every boat that tows a rowboat  
16 shall provide oars on the rowboat regardless of whether the  
17 rowboat is equipped with an outboard motor.

18 5225.6500 EQUIPMENT.

19 Subpart 1. **Generally.** When under way, every boat shall  
20 carry oars or pole, an anchor, a fire extinguisher, and at least  
21 one approved life preserver for each passenger. If a pole is  
22 used, it must be at least 12 feet in length and have a hook  
23 attached to one end.

24 Subp. 2. **Code of Federal Regulations requirements.** In  
25 addition to the requirements of subpart 1, all boats must comply  
26 with the following equipment requirements:

27 A. fire extinguisher, Code of Federal Regulations,  
28 title 46, subpart 181.30;

29 B. bilge pumps, Code of Federal Regulations, title  
30 46, subpart 182.25-10;

31 C. life preservers, Code of Federal Regulations,  
32 title 46, section 180.25, except subpart 180.25-20;

33 D. ring life buoys, Code of Federal Regulations,  
34 title 46, subpart 180.30;

1 E. distress signals, Code of Federal Regulations,  
2 title 46, subpart 180.35;

3 F. whistles, Code of Federal Regulations, title 33,  
4 subpart 86.01;

5 G. ventilation systems, Code of Federal Regulations,  
6 title 46, subparts 177.20 and 182.15-45; and

7 H. anchors, Code of Federal Regulations, title 46,  
8 subpart 184.10.

9 Subp. 3. **First aid kit.** Each boat must have a first aid  
10 kit on board that is approved by the American Red Cross or an  
11 equivalent entity. The American Red Cross First Aid Kit for Car  
12 and Home is recommended, and is available from the American Red  
13 Cross, 11 Del Place, Minneapolis, Minnesota 55403.

14 Subp. 4. **First aid handbook.** All boats must have a first  
15 aid handbook on board. The American Red Cross Standard First  
16 Aid and Safety Handbook is recommended, and is available from  
17 the American Red Cross, 11 Del Place, Minneapolis, Minnesota  
18 55403.

19 Subp. 5. **Battery covers.** All batteries must be covered  
20 with battery covers to eliminate sparking or arcing.

#### 21 5225.6700 REPORTS OF DAMAGE.

22 A pilot of a boat shall report in writing to the office of  
23 the chief boiler inspector of the Department of Labor and  
24 Industry any accident causing either death, an injury that  
25 requires hospitalization, or damage in excess of \$1,000. In the  
26 event of a death, the report must be made within 48 hours. In  
27 the event of an injury or property damage, the report must be  
28 made within five days. The pilot shall also promptly report any  
29 other pilot who does not properly discharge the duties of a  
30 pilot and any person who flashes a light into the face of a  
31 pilot or otherwise commits an act that endangers the safety of a  
32 pilot or passengers of a boat.

#### 33 5225.6940 DESIGN CHANGES.

34 Subpart 1. **Approval of design.** The Division of Boiler  
35 Inspection must be notified before any design change is made to

1 a boat that changes the length, draft, center of gravity, or  
2 superstructure of the boat. Drawings, sketches, or written  
3 specifications of the changes must be reviewed and approved by a  
4 marine architect designated by the boiler division. The marine  
5 architect shall make a report regarding the proposed design  
6 changes to the chief boiler inspector. Final approval or  
7 disapproval of design changes will be made by the chief boiler  
8 inspector. All costs of the review by the architect must be  
9 paid by the boat owner.

10 Subp. 2. **Stability test.** A stability test is required  
11 before the boat is placed back in service when a boat's length  
12 or draft is changed, its superstructure increased, or its center  
13 of gravity is changed. The stability test must be witnessed by  
14 an inspector of the boiler division. The cost of the stability  
15 test must be paid by the boat owner.

16 5225.6975 ISSUANCE OF CERTIFICATE.

17 A certificate of inspection shall be issued to a boat owner  
18 upon the boat passing the yearly inspection required by part  
19 5225.6140, and the payment of the fee described in part  
20 5225.8600, subpart 7. The certificate of inspection is valid  
21 for one year beginning on the day of issuance. A person  
22 operating a boat without a certificate of inspection is guilty  
23 of a misdemeanor and is subject to a penalty in the amount of  
24 the cost of inspection up to a maximum of \$1,000.

25 5225.6980 REVOCATION OF CERTIFICATE; PENALTIES.

26 Any violation of parts 5225.6000 to 5225.8600 shall be  
27 grounds to revoke the certificate of inspection. A person in  
28 charge of operating the boat who willfully, or from ignorance or  
29 gross neglect, creates or allows to be created any condition  
30 endangering human life is subject to the disciplinary procedures  
31 in part 5225.0880, and a boat owner who has knowledge of the  
32 condition, or of circumstances that would cause such a  
33 condition, is guilty of a gross misdemeanor under Minnesota  
34 Statutes, section 183.62.



1 5225.7200 PASSENGER CAPACITY.

2 The passenger capacity of each boat shall be designated by  
3 the chief boiler inspector under Code of Federal Regulations,  
4 title 46, subpart 176.01-25.

5 5225.8600 FEES.

6 [For text of subpart 1, see M.R.]

7 Subp. 2. Engineer licenses.

8 A. The fees for a new boiler operating engineer or  
9 pilot license, application, and examination are as follows:

10 [For text of subitems (1) to (4), see M.R.]

11 (5) hobby engineer, \$50;

12 (6) pilot, \$30; and

13 (7) pilot who possesses a valid, unlimited,

14 current United States Coast Guard pilot's license, \$15.

15 [For text of items B to D, see M.R.]

16 [For text of subps 3 to 8, see M.R.]

17 REPEALER. Minnesota Rules, parts 5225.0550, subpart 7;

18 5225.6100, subpart 1; 5225.6300; 5225.6400; 5225.6600;

19 5225.6800; 5225.7000; and 5225.7100, are repealed.