

CHAPTER 97

BOILER INSPECTION ACT

S. F. 174

AN ACT creating a boiler inspection department within the Department of Labor, providing for notice of intention to install and inspection of steam boilers, generators, superheaters, and creating the office of state boiler inspector, defining his duties, and providing for the enforcement of boiler inspection provisions of the act and providing penalties for the violation thereof.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The Commissioner of Labor shall, on or before the first
2 day of July, 1941, and every two (2) years thereafter, appoint a state
3 boiler inspector, subject to the approval of the Executive Council, who
4 shall work under the direct supervision of the Commissioner of Labor
5 and who shall devote his full time to the duties of his office. Before
6 entering upon the duties of his office, the state boiler inspector shall
7 give a bond in the sum of twenty-five hundred dollars (\$2,500.00) for
8 the faithful performance of his duties, the same to be approved by the
9 Secretary of State and deposited in the office of the same. The Com-
10 missioner of Labor may, subject to the approval of the Executive
11 Council, appoint deputy inspectors possessing the same qualifications
12 as the state boiler inspector, whenever the same may be necessary to
13 carry out the provisions of this Act, and such deputy inspector shall
14 be subject to and governed by the same rules and regulations applicable
15 to and governing the acts and conduct of the state boiler inspector.
16 The person so appointed shall be a practical boilermaker and shall be
17 qualified by not less than ten (10) years' experience in the construc-
18 tion, installation, repair and inspection of boilers, steam generators,
19 superheaters, with knowledge of their operation and use for the gener-
20 ating of steam for power, heating or other purposes, and shall neither
21 directly or indirectly be interested in the manufacture, ownership or
22 agency of the same.

1 SEC. 2. (a) It shall be the duty of the state boiler inspector, to
2 inspect or cause to be inspected internally and externally, at least once
3 every twelve (12) months, in order to determine whether all such
4 equipment is in a safe and satisfactory condition, and properly con-
5 structed and maintained for the purpose for which the same is used,
6 all steam boilers, tanks, jacket kettles, generators and other appurte-
7 nances used in this state for generating or transmitting steam for
8 power, or for using steam under pressure for heating or steaming
9 purposes, in order to determine whether said equipment is in a safe
10 and satisfactory condition, and properly constructed and maintained
11 for the purpose for which the same is used. (b) The Labor Commis-
12 sioner and the boiler inspectors shall have the right and power to enter
13 any building or structure, public or private, for the purpose of inspect-
14 ing any equipment covered by this act or gathering information with
15 reference thereto. (c) Upon making an inspection of any equipment
16 covered by this act, the inspector shall give to the owner or user thereof
17 a certificate of inspection, upon forms prescribed by the Labor Com-
18 missioner, which certificate shall be posted in a place near the location
19 of said equipment. (d) The owner or user of any equipment covered

20 in this act, or persons in charge of same, shall not allow or permit a
21 greater pressure in any unit than is stated in the certificate of inspection
22 issued by the inspector.

1 SEC. 3. The provisions of this act shall not apply to boilers of rail-
2 way locomotives subject to federal inspection, boilers operated and
3 regularly inspected by railway companies operating in interstate com-
4 merce, boilers under the jurisdiction and subject to inspection by the
5 United States government, boilers used exclusively for agricultural
6 purposes, heating boilers in residences, buildings, and apartment
7 houses using a pressure of less than fifteen (15) pounds per square
8 inch and/or having a safety valve set at not higher than fifteen (15)
9 pounds pressure per square inch, and fire engine boilers brought into
10 the state for temporary use in times of emergency.

1 SEC. 4. (a) The commissioner of labor is hereby authorized and em-
2 powered to prescribe rules within the provisions of this act, for
3 the purpose of carrying the same into effect including rules for the
4 methods of testing equipment and construction and installation of new
5 equipment covered by this act, and said rules and regulations shall, as
6 nearly as possible, conform to the rules formulated by the boiler code
7 committee of the American Society of Mechanical Engineers and
8 known as the American Society of Mechanical Engineers Boiler Code
9 of 1937 as amended. (b) The state boiler inspector shall investigate
10 and report to the commissioner the cause of any boiler explosion that
11 may occur in the state, the loss of life, injuries sustained, and estimated
12 loss of property, if any; and such other data as may be of benefit in
13 preventing a reoccurrence of similar explosions. (c) He shall keep in
14 the office of the commissioner a complete and accurate record of the
15 name of the owner or user of each steam boiler or other equipment
16 subject to this act, giving a full description of said equipment, includ-
17 ing the type, dimensions, age, condition, the amount of pressure al-
18 lowed, and the date when last inspected.

1 SEC. 5. (a) Before any equipment included under the provisions
2 of this act is installed by any owner, user or lessee thereof, a ten (10)
3 days' written notice of intention to install same shall be given to the
4 Commissioner of Labor. The notice shall designate the proposed place
5 of installation, the type and capacity of such equipment, the use to be
6 made thereof, the name of company which manufactured same, and
7 whether said equipment is new or used.

1 SEC. 6. (a) Within six (6) months after the taking effect of this
2 act, upon forms prescribed by the commissioner of labor, all owners,
3 users and lessees of a steam boiler or boilers, or other equipment or
4 appurtenances referred to in this act, shall report to the commissioner
5 of labor, the location, type and indicated capacity of each unit of such
6 equipment, together with all information and data respecting the age
7 and/or date of installation and condition of same. (b) The inspection
8 required by this act shall not be made where any owner or user of any
9 equipment under this act, obtains an inspection by a representative of
10 a reputable insurance company, and obtains a policy of insurance from
11 said company upon said equipment, and furthermore files with the
12 Commissioner of Labor a certificate of inspection by said insurance

13 company, or a certificate of renewal of insurance, upon forms approved
14 by the commissioner, and a statement that said equipment is insured.
15 Upon such showing the commissioner of labor shall issue a waiver of
16 inspection by the Labor Department for the period covered by said
17 policy of insurance. (c) The state boiler inspector shall notify the
18 user of any equipment or appurtenance found to be unsafe or unfit for
19 operation in writing, setting forth the nature and extent of such defects
20 and condition. ~~Said notice shall indicate whether or not said equipment~~
21 ~~shall be used without making repair or replacement of defective parts,~~
22 ~~or whether or how said equipment may be used in a limited capacity~~
23 before repairs or replacements are made, and the state boiler inspector
24 may permit the user a reasonable time to make such repairs or replace-
25 ments.

1 SEC. 7. An annual inspection fee of each boiler or pressure unit
2 made by the boiler inspector according to the terms of this act shall be
3 paid by the owner or user as follows: (a) Boilers having a working
4 pressure of fifteen (15) pounds to seventy (70) pounds per square
5 inch, three dollars (\$3.00) for one boiler and two dollars (\$2.00) for
6 each additional boiler of like size when set in batteries. (b) Boilers
7 having a working pressure of seventy-one (71) pounds to and including
8 one hundred fifty (150) pounds per square inch, four dollars (\$4.00)
9 for one boiler and three dollars (\$3.00) for each additional boiler of like
10 size when set in batteries. (c) Boilers having a working pressure of
11 one hundred fifty-one (151) pounds to four hundred fifty (450)
12 pounds per square inch, inclusive, five dollars (\$5.00) for one boiler
13 and four dollars (\$4.00) for each additional boiler of like size when set
14 in batteries. (d) Boilers having a working pressure of four hundred
15 fifty-one (451) pounds and excess per square inch, seven dollars
16 (\$7.00) for one boiler and five dollars (\$5.00) for each additional
17 boiler of like size when set in batteries. (e) Steam stills, tanks, jacket
18 kettles and all other reservoirs, fired or unfired, having pressure in
19 excess of one hundred fifty (150) pounds per square inch, four dollars
20 (\$4.00). (f) If at any time the owner, user or agent of the owner of a
21 steam boiler or equipment within the state shall desire a special inspec-
22 tion of any boiler or equipment, it shall be made by the boiler inspection
23 department after due request therefor, and the inspector making the
24 inspection shall collect a fee of ten dollars (\$10.00) for each boiler,
25 together with his expenses in connection therewith.

1 SEC. 8. All fees provided for in this act shall be collected by the
2 commissioner of labor and remitted to the state comptroller together
3 with an itemized statement showing the source of collection, and such
4 fees shall be placed in the State general fund.

1 SEC. 9. Any person or persons, corporations and directors, manag-
2 ers and superintendents, and officers thereof, violating any of the
3 provisions of this act, shall be guilty of a misdemeanor, and upon con-
4 viction thereof shall be punished by a fine in a sum not more than one
5 hundred dollars (\$100.00).

1 SEC. 10. In addition to any and all other remedies, if any owner,
2 user or person in charge of any equipment covered by this act, shall
3 continue to use any equipment covered by this act, after receiving a

4 notice of defect as provided by this act, without first correcting said
5 defects or making replacements, the Commissioner of Labor may apply
6 to the district court or any judge thereof by petition in equity, in an
7 action brought in the name of the State, for a writ of injunction to
8 restrain the use of said alleged defective equipment.

1 SEC. 11. The Commissioner shall notify in writing the owner or
2 user of said equipment of the time and place of hearing of said petition
3 as fixed by the court or judge, and shall serve said notice on the de-
4 fendant as least five (5) days prior to said hearing in the same manner
5 as original notices are served. The general provisions relating to civil
6 practice and procedure as may be applicable, shall govern the proceed-
7 ings, except as herein modified. In event the defendant does not
8 appear or plead to said action, default shall be entered against the
9 defendant. The action shall be tried in equity, and the court or judge
10 shall make such order or decree as the evidence warrants.

1 SEC. 12. If any part of this act be adjudged unconstitutional it
2 shall not invalidate the remainder of this act.

1 SEC. 13. This act being deemed of immediate importance shall be in
2 full force and affect* from and after its publication in the Ottumwa
3 Daily Courier, a newspaper published in Ottumwa, Iowa, and the
4 Burlington Hawkeye Gazette, a newspaper published in Burlington,
5 Iowa.

Approved March 27, 1941.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier,
Ottumwa, Iowa, March 31, 1941, and the Burlington Hawkeye Gazette, Burlington, Iowa,
March 31, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 98

IOWA EMPLOYMENT SECURITY LAW

S. F. 476

AN ACT to amend chapter seventy-seven and two tenths (77.2), Code of Iowa, 1939, and more particularly to amend section fifteen hundred fifty-one and seven hundredths (1551.07) relating to the title of said act; section fifteen hundred fifty-one and sixteen hundredths (1551.16) relating to the name of the agency; section fifteen hundred fifty-one and seventeen hundredths (1551.17) relating to the preservation and destruction of records; section fifteen hundred fifty-one and eighteen hundredths (1551.18) relating to the Iowa employment service; section fifteen hundred fifty-one and nineteen hundredths (1551.19) relating to the administration fund; section fifteen hundred fifty-one and twenty-five hundredths (1551.25) relating to definitions used in said act; all sections of the Code of Iowa, 1939; and to repeal all acts, or parts of acts, in conflict herewith.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Amend section fifteen hundred fifty-one and seven hun-
2 dredths (1551.07), code of 1939, by striking from lines 2 and 3 the

*Note: In accordance with enrolled bill.