

art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.

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Effective date.

Section 2. This act shall take effect June 1, 1957.

APPROVED—The 11th day of July, A. D. 1957.

GEORGE M. LEADER,

No. 382

AN ACT

Amending the act of May 2, 1929 (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," extending its provisions to unfired pressure vessels, and further regulating the construction, equipment, maintenance, operation and inspection of boilers.

Boilers and unfired pressure vessels.

Title, act of May 2, 1929, P. L. 1513, amended.

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

Section 1. The title act of May 2, 1929 (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," is amended to read:

An Act

Title.

Regulating the construction, equipment, maintenance, operation and inspection of boilers *and unfired pressure vessels*; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act.

Section 1, act of May 2, 1929, P. L. 1513, amended May 27, 1937, P. L. 912 and June 5, 1937, P. L. 1662, further amended.

Section 2. Section 1 of the act, amended May 27, 1937 (P. L. 912), and June 5, 1937 (P. L. 1662), is amended to read:

Section 1. Definitions.—Be it enacted, &c., [That as] As used in this act, ["boiler" shall mean a vessel in which power or heat is generated, and including all piping and apparatus connected thereto, up to and in-

cluding the stop-valve or valves nearest the boiler, and shall also be construed to include unfired pressure vessels carrying a pressure of more than fifteen pounds per square inch, except where the context clearly indicates otherwise.]

(1) "Boiler" shall mean any closed vessel or vessels intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum, by the direct application of heat from any source, including combustible fuels, electricity or nuclear energy and as further defined in rules and regulations of the department.

(2) "Unfired pressure vessel" shall mean any vessel in which pressure is obtained from an external source or from an indirect application of heat, except where the context of this act clearly indicates otherwise.

(3) "Boilers used on farms" shall mean any boilers or unfired pressure vessels used for threshing grain, baling hay or straw, filling silos and shredding fodder, grinding feed, sawing wood, crushing or pulverizing stone, operating dairy equipment, or other similar agricultural operations, [except boilers owned or operated by any person regularly engaged in such business] when such boilers or unfired pressure vessels are operated, exclusively, by the owners or tenants or members of their immediate families.

(4) "Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania.

(5) "Establishment" shall mean any room, building or place within this Commonwealth, where persons are employed or permitted to work for compensation of any kind, to whomever payable, and any place of business to which the public has access, except farms or private dwellings.

(6) "Inspector" shall mean an inspector [examined and authorized] commissioned by the Department of Labor and Industry to inspect boilers or unfired pressure vessels in this Commonwealth, or boilers or unfired pressure vessels destined for use in this Commonwealth.

(7) "Person" shall mean any individual, firm, partnership, unincorporated association, corporation or municipality, and shall include the Commonwealth.

(8) "Place of public assembly" shall mean any building or portion thereof designed, intended and used for occupation by persons for purposes of entertainment, instruction or amusement and shall be construed to include theatres, motion picture theatres, hospitals, places of worship, schools, colleges and institutions.

(9) "School" shall mean any building or portion thereof where persons assemble for purposes of education, and shall include public and private schools, academies, colleges and universities.

Wherever the singular is used in this act, it shall be construed to include the plural, and whenever the masculine gender is used it shall be construed to include the feminine and neuter.

Section 2, act of  
May 2, 1929,  
P. L. 1513,  
amended June 5,  
1937, P. L. 1662,  
further amended.

Section 3. Section 2 of the act, amended June 5, 1937 (P. L. 1662), is amended to read:

Section 2. General Requirement.—Every boiler *and unfired pressure vessel* used or destined for use by any establishment, [and every boiler used or destined for use in any school] or place of public assembly in this Commonwealth, shall be so *designed and constructed* [, installed, maintained and operated,] with respect to the thickness and strength of the materials used in construction, stay bolts and braces, drums, headers, tubes, doors, riveting, welding, steam, air and water gauges, safety [valves] *devices*, blow offs, all necessary piping, and all other parts and appurtenances, *and shall be installed, operated and maintained* as to safely sustain the pressure at which the said boiler *or unfired pressure vessel* is designed and intended to operate: Provided, That nothing in this act shall be construed to apply to— [boilers subject to Federal inspection and control on steam locomotives, railroad cars, or steam boats, nor to equipment used in connection with the operation of trains, nor to boilers on other common carriers, nor to boilers carrying a pressure of not more than fifteen pounds per square inch, which are equipped with safety device approved by the department, except such boiler located in theatres, motion picture theatres, hospitals, schools and colleges.]

(1) *Boilers and unfired pressure vessels under Federal jurisdiction,*

(2) *Unfired pressure vessels used in interstate commerce and meeting the requirements of the Interstate Commerce Commission for shipment of liquids or gases under pressure,*

(3) *Air tanks located on vehicles operating under the rules of other Commonwealth agencies and used for carrying passengers or freight,*

(4) *Air tanks installed on the right of way of railroads and used directly in the operation of switcher and signals,*

(5) *Boilers used on farms as defined in section 1 of this act,*

(6) *Steam or vapor boilers carrying a pressure of not more than fifteen pounds per square inch when con-*

structed in accordance with rules and regulations of the department and when equipped with safety devices as required by rules and regulations of the department, except that this exemption shall not apply to places of public assembly or apartment houses of five or more families,

(7) Storage water heaters, hot water heating and hot water supply boilers of sizes, pressures or temperatures below limitations and conditions set forth in regulations of the department, except that this exemption shall not apply to places of public assembly or apartment houses of five or more families,

(8) Unfired pressure vessels of sizes, pressures, capacities or temperatures below limitations and conditions set forth in regulations of the department, except that this exemption shall not apply to places of public assembly or apartment houses of five or more families, unless the requirements for construction or inspection would, in the judgment of the department, impose an unreasonable hardship.

Section 4. Sections 3 and 4 of the act are amended to read:

Section 3. Rules and Regulations.—To carry out the provisions and the intent and purpose of this act, the department shall have power, and its duty shall be, to make, alter, amend or repeal rules and regulations for the construction, *stamping*, installation, maintenance, [operation and] *repair*, inspection and operation of boilers and unfired pressure vessels used or destined for use in this Commonwealth [and shall make specifications for the construction and stamping of such boilers, and their inspection during construction]. No boiler or unfired pressure vessel shall be permitted to be installed and used in this Commonwealth which does not comply with the rules and regulations herein provided for. *The rules and regulations so formulated may be based upon generally accepted nationwide engineering standards, formulae and practices established and pertaining to boiler and unfired pressure vessel construction in so far as they are consistent with this act.*

*The department may, also by rule and regulation, adopt specifications, amendments and interpretations of a nationally recognized code on the same subject matter in so far as they are consistent with this act.*

Section 4. Inspection [During Construction].—(a) Every boiler or unfired pressure vessel, within the scope of this act, destined for use in this Commonwealth, shall be inspected during its construction, by an inspector who shall have been commissioned by this Commonwealth to perform such service. Every such boiler or unfired pres-

Sections 3 and 4.  
act of May 2,  
1929, P. L. 1513,  
amended.

*sure vessel* which has been so inspected shall, upon completion, have placed upon it, in the presence of the said inspector, a stamp bearing a symbol and number authorized by the department for this purpose.

*(b) If a boiler or unfired pressure vessel is insured by a company authorized to insure boilers in this Commonwealth against loss from explosion, inspection may be made by an inspector in the employ of such company, and the only fee collectible by the Commonwealth shall be the certificate fee of two dollars hereinafter provided for in this act.*

*(c) If such boiler or unfired pressure vessel is not so insured, then such inspection shall be made by an inspector in the employ of the department, and there shall be a fee charged for each inspection as hereinafter provided for in this act, except that in the case of a company operating unfired pressure vessels in this Commonwealth, such vessels may be field-inspected by an inspector in the employ of such company provided:*

*(1) Such an inspector is a full-time employe of the company for the purpose of making inspections of unfired pressure vessels used or to be used by such company.*

*(2) The inspector has obtained a commission from the department as required by section 5 of this act.*

*(3) Such a company continuously maintains an engineering division.*

*(4) Such pressure vessels are involved in process operations of which a knowledge of the process is required by the inspector in addition to that of the construction of the vessels.*

*(5) Regular inspection reports are filed with the department on forms to be supplied by the department, and the only collectible fee shall be the certificate fee of two dollars (\$2) per vessel hereinafter provided for.*

*(d) Every boiler shall be inspected, both internally and externally, while not under pressure at least once in every twelve months, and while under operating conditions at least once in every twelve months: Provided, That under extenuating circumstances a grace period not to exceed sixty days may be permitted by the department. Miniature boilers shall be inspected at least once in every twelve months. Unfired pressure vessels shall be inspected as required by the rules and regulations of the department, except that in no case shall regular inspections be required more than once in every twelve months. Where unfired pressure vessels containing noncorrosive substances are buried underground, they shall be inspected in accordance with special requirements set forth in regulations of the department for such vessels.*

Section 5. Section 5 of the act, amended May 22, 1953 (P. L. 205), is amended to read:

Section 5, act of May 2, 1929, P. L. 1513, amended May 22, 1953, P. L. 205, further amended.

Section 5. Examination of Inspectors and Fees Therefor.—No person shall inspect boilers or unfired pressure vessels for the department unless he has passed a written examination prescribed by the department, *except that reciprocal certificates of competency may be issued to inspectors qualified in other states, administering examinations of equal standards, or to inspectors holding certificates of competency issued by the National Board of Boiler and Pressure Vessel Inspectors under such conditions as may be set forth in rules and regulations of the department.* Application for examination as an inspector of boilers or unfired pressure vessels shall be, in writing, upon a form furnished by the department, and shall be accompanied by a fee of fifteen dollars. If the applicant is successful in passing the said examination, a certificate of competency and commission shall be issued upon the payment of an additional fee of seven dollars and fifty cents. All inspectors shall be required to secure a new credential card each year, by application to the department, which application shall be accompanied by a fee of three dollars. The Secretary of Labor and Industry may suspend any commission for due cause, but no commission may be revoked until the inspector has been granted *an opportunity to appear before the department for a hearing.*

Section 6. Sections 6, 7 and 8 of the act and their amendments are repealed.

Sections 6, 7 and 8, act of May 2, 1929, P. L. 1513, as amended, repealed.

Section 7. Sections 9, 10 and 12 of the act are amended to read:

Sections 9, 10 and 12, act of May 2, 1929, P. L. 1513, amended.

Section 9. Issuance of Certificates of Operation.—Every inspector shall forward to the department a full report of each and every inspection made of any boiler or unfired pressure vessel, showing the exact condition of the said boiler or unfired pressure vessel. If this report indicates that the said boiler or unfired pressure vessel is in a safe condition to be operated, the department shall, *upon payment of the fee required in section 11 of this act,* issue a certificate of operation for a pressure not to exceed that named in the said report of inspection, which certificate shall be valid for thirteen months after the date of inspection. *In the case of unfired pressure vessels containing noncorrosive substances and which are buried underground, an annual certificate may be issued on the basis of a special type of inspection as required by the rules and regulations of the department.* No boiler or unfired pressure vessel may be lawfully operated without having such certificate conspicuously posted in the boiler room or adjacent to such boiler or unfired pressure vessel.

Section 10. Discontinuance of Operation.—If any boiler or unfired pressure vessel be found in a condition which, in the judgment of an inspector in the employ of the department, is dangerous to life and property, or is being operated without the operating certificate required by this act, such inspector may require the owner or user of such boiler or unfired pressure vessel to discontinue its operation within twenty-four hours, and such inspector shall immediately report all facts in connection with such boiler or unfired pressure vessel to the department, and he shall place a notice upon the boiler or unfired pressure vessel to this effect. In the event a certificate has been issued for such boiler or unfired pressure vessel, the said certificate shall be suspended, and not renewed until such boiler or unfired pressure vessel shall have been placed in a safe condition. In such case, where a boiler or unfired pressure vessel has been placed out of service, the owner or user of such boiler or unfired pressure vessel shall not again operate the same until repairs have been made and permission given by the said inspector to resume operation of the said boiler or unfired pressure vessel.

Section 12. Data Reports.—For every boiler or unfired pressure vessel intended for operation in this Commonwealth, there shall be forwarded to the Boiler Section of the department a Manufacturer's Data Report, in the form prescribed by the department, setting forth the structural details of the said boiler or unfired pressure vessel.

Section 13, act of  
May 2, 1929,  
P. L. 1513,  
amended May 27,  
1937, P. L. 912,  
further amended.

Section 8. Section 13 of the act, amended May 27, 1937 (P. L. 912), is amended to read:

Section 13. Registration of Boilers and Unfired Pressure Vessels.—The owner or user of every boiler or unfired pressure vessel in this Commonwealth, except as exempted from the provisions of this act in section two, shall, prior to December thirty-first, one thousand nine hundred and twenty-nine, register with the Department of Labor and Industry every boiler or unfired pressure vessel operated by him, giving the type, size, description, name of manufacturer and purpose for which each is used, except that unfired pressure vessels shall be registered before June first, one thousand nine hundred thirty-eight. Such registration shall be on forms to be furnished by the department. If the location of any boiler or unfired pressure vessel is subsequently changed, such change of address shall be registered with the department within ten days, and, if the purpose for which any boiler or unfired pressure vessel is used is changed from that shown on the original registration, the department shall be notified within ten days of such change.

Section 9. Sections 16 and 18 of the act are amended to read:

Sections 16 and 18, act of May 2, 1929, P. L. 1513, amended.

Section 16. Enforcement.—[It] *After the effective date of these amendments, no boiler or unfired pressure vessel shall be permitted to be installed or used in this Commonwealth, which does not comply with the provisions of this act and the rules and regulations of the department as herein provided for, and it shall be the duty of the Department of Labor and Industry to enforce the provisions of this act.*

Section 18. Penalties.—Any person who shall violate any of the provisions of this act, or the rules and regulations of the department as herein provided for, or who shall fail or neglect to pay the fees herein provided for, shall, for the first offense, be penalized by a fine of not more than one hundred dollars (\$100) and costs, and, upon nonpayment thereof, imprisonment in the county jail for not more than ten days, and for each subsequent offense shall be penalized by a fine of not more than two hundred dollars (\$200) and costs, and, upon nonpayment thereof, imprisonment in the county jail for not more than thirty days. Any person who shall continue to operate his boiler *or unfired pressure vessel* after notice to discontinue its use, as set forth in Section 10 of this act, shall be penalized in a like action by a fine of five dollars for each day the said boiler *or unfired pressure vessel* has been operated after the service of the said notice, in addition to the fines above set forth.

All fines collected under this act shall be forwarded to the Department of Labor and Industry, who shall transmit the same to the State Treasury, through the Department of Revenue.

Section 10. Section 19 of the act, amended June 5, 1937 (P. L. 1662), is amended to read:

Section 19, act of May 2, 1929, P. L. 1513, amended June 5, 1937, P. L. 1662, further amended.

Section 19. Repealer.—Section nineteen of an act, approved the second day of May, one thousand nine hundred and five (Pamphlet Laws three hundred and fifty-two), entitled "An act to regulate the employment, in all kinds of industrial establishments, of women and children employed at wages or salary, by regulating the age at which minors can be employed and the mode of certifying the same, and by fixing the hours of labor for women and minors; to provide for the safety of all employes in all industrial establishments, and of men, women and children in schoolhouses, academies, seminaries, colleges, hotels, hospitals, storehouses, office buildings, public halls and places of amusements, in which proper fire-escapes, exits and extinguishers are required; to provide for the health of all employes, and



of men, women and children in all such establishments, storehouses and buildings, by proper sanitary appliances; and to provide for the appointment of inspectors, office clerks and others, who, with the Chief Factory Inspector, shall constitute the Department of Factory Inspection; to enforce the same, and providing penalties for violations of the provisions thereof; fixing the term and salaries of the Chief Factory Inspector and his appointees," and its amendments, [All] and sections 1, 3 and 4 of article 5 of the act, approved June 2, 1891 (P. L. 176), entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," and all other acts and parts of acts, general, local or special, inconsistent with or supplied by this act are hereby repealed.

When effective.

Section 11. This act shall take effect in thirty days.

APPROVED—The 12th day of July, A. D. 1957.

GEORGE M. LEADER

No. 383

### AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire seventy-eight acres, more or less, of land in Washington Township, Erie County, for use of the Edinboro State Teacher's College, and making an appropriation.

Real property.

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

Department of Property and Supplies, with approval of Governor, authorized to purchase certain land in Washington Township, Erie County.

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized to purchase in the name of the Commonwealth for use of Edinboro State Teacher's College all, or any part less than all, of the tract of land in the Township of Washington, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows:

Description.

Commencing at a post at the southwest corner of the within described land and land of C. L. Darrow; thence northwardly along the east line of the land of C. L. Darrow 2077.5 feet to the corner of the lot owned by G. H. Goodell; thence west along the line of C. L. Darrow for a distance of 272.92 feet to a corner post; thence