

STATE OF NEW JERSEY



New Jersey Statutes Annotated (N.J.S.A.)

BOILERS, PRESSURE VESSEL AND REFRIGERATION LAWS

- ESTABLISHING THE MECHANICAL INSPECTION BUREAU
- LICENSING OF OPERATING ENGINEERS AND BOILER OPERATORS (FIREMAN)
- INSPECTION OF BOILERS, PRESSURE VESSELS AND REFRIGERATION SYSTEMS

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**ACT ON INSPECTION OF
BOILERS, PRESSURE VESSELS AND
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N.J.S.A. 34:7-14 et seq.

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ACT ESTABLISHING THE MECHANICAL INSPECTION BUREAU

N.J.S.A. 34:1-38.1 et seq.

P.L. 1913, c.363 as amended through July 1, 2003

34:1-38.1: Mechanical inspection bureau; composition; examining board; appointment; qualifications of members; duties of bureau

There shall be within the Division of Labor, Department of Labor and Industry, a mechanical inspection bureau which shall administer engineers' and firemen's licensing and boiler, pressure vessel and refrigeration plant inspection, and shall contain an examining board and a board of boiler, pressure vessel and refrigeration rules. There shall be within the mechanical inspection bureau a deputy director of the Division of Labor in charge of the bureau, an assistant chief of said bureau and an examining board composed of the deputy director, the assistant chief and not less than 2 nor more than 4 additional examiners. They shall be appointed by the Commissioner of Labor and Industry in accordance with Title 11, Civil Service, of the Revised Statutes. The members of the board shall: (1) be citizens of the State of New Jersey; (2) have held, for at least 1 year, a Class I, Grade A operating engineer's license issued by the Department of Labor and Industry; and (3) either (a) have had experience for at least 10 years as a Grade A or Grade B New Jersey licensed engineer, or (b) have held a position of equal responsibility and duration or (c) have been engaged for at least 5 years as an inspector pursuant to sections 34:1-34 through 34:1-45 of the Revised Statutes.

The members of the mechanical inspection bureau shall perform such duties as the commissioner shall prescribe and from time to time, report to the commissioner in such form as he shall approve.

L.[1960, c. 134](#), p. 646, s. 1.

34:1-38.2: Powers and duties of examining board

The examining board of the mechanical inspection bureau shall administer the licensing of engineers and firemen and the inspection of boilers, pressure vessels and refrigeration plants. The examining board shall exercise supervision over all inspections of boilers, pressure vessels and refrigeration plants required by law, in addition to those actually performed by the Mechanical Inspection Bureau.

L.[1960, c. 134](#), p. 647, s. 2.

34:1-40: Prescription of duties and adoption of rules and regulations by commissioner; conduct of examinations; issuance of licenses

The commissioner shall prescribe the duties of and adopt all necessary rules, regulations and by-laws for the operation of the mechanical inspection bureau not inconsistent with law, and shall prescribe rules for the enforcement of chapter 7 of this Title (34:7-1 et seq.) and for the examination and licensing of persons required to be licensed by the provisions of said chapter. Such regulations shall specify the terms and conditions under which licenses shall be issued or renewed; and provide for revocation of license for proper cause. The license examinations shall be conducted by 1 or more members of the examining board.

All licenses recommended by the examining board shall issue under the hand and seal of the commissioner whose office shall preserve a record thereof. Such licenses shall also be signed by the member or members of the examining board conducting the examination therefor.

Amended by L.[1946, c. 249](#), p. 883, s. 2; L.[1960, c. 134](#), p. 647, s. 3.

34:1-41: Expenses of members of mechanical inspection bureau

Each member of the mechanical inspection bureau shall be paid his necessary expenses incurred in the performance of duty.

Amended by L.[1960, c. 134](#), p. 648, s. 4.

34:1-44: Inspectors; eligibility and qualifications; certificate

Any citizen of the State having had at least 5 years' experience as engineer in the maintenance and operation of steam boilers, or as boiler maker, or as inspector for an insurance company specializing in the inspection and insurance of boilers and licensed to do business within the State, who shall satisfactorily pass the examination held by the examining board as required by section 34:1-45 of this Title, and who shall meet the requirements of the Civil Service Commission with regards to character, fitness and physical condition, shall receive from the commissioner a certificate of competency which shall authorize him to inspect boilers, pressure vessels and refrigeration plants within the State and which shall make him eligible for examination by the Civil Service Commission for the position of boiler, pressure vessel and refrigeration plant inspector in the department.

Amended by L.[1960, c. 134](#), p. 648, s. 5.

34:1-45: Examinations

The commissioner shall from time to time direct the examining board of the mechanical inspection bureau to hold examinations for inspectors and shall prescribe the rules for and scope of such examination.

Amended by L.[1960, c. 134](#), p. 648, s. 6.

34:1-47: Board of boiler, pressure vessel and refrigeration rules; composition; rules and regulations

The Governor shall appoint 6 citizens of this State, 2 of whom shall be professional engineers licensed by this State, and who shall represent the following interests: one manufacturer of boilers, pressure vessels or refrigeration equipment; one authorized insurer of boilers, pressure vessels and refrigeration equipment in this State; one operator of boiler, pressure vessels or refrigeration equipment in this State and licensed by the Mechanical Inspection Bureau; 2 users of boilers, pressure vessels or refrigeration equipment in this State, and one resident of this State representing the general public.

All of these appointees shall serve at the pleasure of the Governor, and together with the commissioner and the examining board in the mechanical inspection bureau shall constitute a board of boiler, pressure vessel and refrigeration rules. This board shall meet at the call of the commissioner, or his designee, who shall be chairman, and it shall promulgate, after a public hearing, subsequent to the publication of notice of said hearing, rules and regulations for the safe and proper construction and installation and use of steam boilers, pressure vessels and refrigeration plants which are subject to the provisions of article 2, chapter 7 of this Title.

Amended by L.[1960, c. 134](#), p. 648, s. 7; L.[1967, c. 213](#), s. 1, eff. Oct. 5, 1967.

**ACT ON LICENSING OF
OPERATING ENGINEERS AND
FIREMEN N.J.S.A. 34:7-1 et
seq.**

P.L. 1913, c 363 as amended through July 1, 2003

34:7-1: License necessary; emergencies; exceptions; administration; examinations

No unlicensed person shall operate a steam generator, similar equipment potentially capable of generating steam having relief devices set over 15 psig. and rated at or developing over 6 boiler horsepower or a steam power generator, if over 6 horsepower; a hoisting machine regardless of motive power, whenever the boom length exceeds 99 feet; a refrigerating plant of over 24 tons of refrigerating capacity, utilizing refrigerants of a flammable or toxic nature; or a steam or hot water heating plant of which the indicated or rated capacity exceeds either 499 square feet of heating surface or 100 boiler horsepower or 1,000 kilowatts or 4,000,000 British thermal units input regardless of pressure or temperature conditions; and no owner, agent, superintendent, manager or other person having charge of any building or work in which such equipment is located, or used, shall use, or cause or allow to be used, any such equipment described in this section unless the same is in charge of a properly licensed person, except in emergency, and then for no longer than 15 days unless the commissioner in writing extends such time, of which emergency the owner of such equipment, or the agent, superintendent, manager or other person in charge thereof shall promptly notify the mechanical inspection bureau in writing, stating fully the circumstances.

The provisions of this chapter shall not require a license of any person in charge of or operating the following:

- (1) any equipment installed for emergency purposes only, or
- (2) any equipment under the jurisdiction and control of the United States Government, the operation of which is actively regulated by a Federal agency, or
- (3) any railroad locomotive boiler or any type locomotive used in the service of a common carrier, or
- (4) any refrigerating plant utilizing refrigerants classified as being in Group 1 in the Safety Code for Mechanical Refrigeration of the American Society of Refrigerating Engineers approved by the American Standards Association, Inc., or
- (5) Any equipment having relief devices set at or under 15 pounds per square inch gage or reliably regulated to operate at a temperature not greater than 200° F when serving a heating plant in a building which is unoccupied. A building shall not be deemed to be "occupied" solely on the basis of attendance by custodial or security personnel, or
- (6) any steam generating equipment having relief devices set at or under 15 pounds per square inch gage or hot water equipment reliably regulated to operate automatically at a temperature not greater than 250° F, and having relief devices set at or under 160 pounds per square inch gage when serving a heating plant other than in a building of public assembly providing (a) the equipment shall be protected by such type of automatic safety control system which is approved by the State mechanical inspection bureau for automatic operation; and (b) the boiler plant and its safety components are inspected operationally at reasonable intervals, when the building is occupied, by a person designated by the owner, agent, superintendent, or manager, which person's qualifications to operate such equipment have been certified by the State mechanical inspection bureau on the basis of 90 days' experience and reasonable examination by that bureau in respect of such equipment. The "operational inspection" referred to in this subparagraph shall mean visual inspection of all indicators, gages, thermometers, external connections and other items which may be viewed by an external inspection. A log book shall be maintained on the premises recording such inspections, which log book shall be open to inspection by any designated representative of the State mechanical inspection bureau.

The provisions of this article shall be administered by the commissioner through the mechanical inspection bureau. Examinations for license under this article shall be conducted by the examining board or by any member of said board.

Amended by [L.1946, c. 249](#), p. 883, s. 3; [L.1960, c. 132](#), p. 638, s. 1; [L.1966, c. 182](#), s. 1, [L.1967, c. 2](#), s. 1; [L.1967, c. 214](#), s. 1, eff. Oct. 5, 1967.

34:7-2: Application

Application for license shall be made on forms to be provided for that purpose by the mechanical inspection bureau and shall state clearly the name, residence, age and qualifying experience of the applicant. An applicant must be a citizen of the United States or have officially declared his intention of becoming a citizen.

Amended by L.[1946, c. 249](#), p. 884, s. 4; L.[1960, c. 132](#), p. 640, s. 2; L.[1969, c. 81](#), s. 1, eff. June 11, 1969.

34:7-2.1: Declaration of becoming a citizen

Every applicant qualifying for a license who is not a citizen of the United States but who officially declared his intention of becoming a citizen shall be issued a license and shall be entitled to annual renewals thereof during the 5-year period immediately following his declaration of said intention and thereafter he shall be entitled to renewals only upon proof that he has become a citizen of the United States.

L.[1969, c. 81](#), s. 2, eff. June 11, 1969.

34:7-3: Fees; revocation or suspension of license.

34:7-3. Each application for examination and for any license issued by the bureau shall be accompanied by fees as set forth in this section. The fees, established hereunder pursuant to the amendatory provisions of P.L.[2003, c.117](#) shall be in effect for State fiscal years 2003-04 and 2004-05. Thereafter, such fees may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation. Such fees shall be made payable to the Commissioner of Labor. There shall be no other charge for the initial examination or for one re-examination taken within six months of the original examination. Failure to appear for examination or to obtain a passing grade shall not entitle the applicant to a refund of any fee.

Original application	\$50
Raise of grade or additional classification application	\$40
Additional examinations, in excess of 2, on any application	\$20
Annual license renewal if requested no later than expiration date	\$20
License renewal for 3 years if requested no later than expiration date	\$40
Application for renewal, if made not more than 3 years after expiration and if all penalties lawfully imposed upon the applicant by the Mechanical Inspection Bureau have been paid	
1 year	\$30
3 years	\$60

Upon failure to so renew a license for a period of 3 years and 1 day after expiration date all records pertaining to such license may be destroyed pursuant to the "Destruction of Public Records Law (1953)," P.L.[1953, c.410](#) (C.47:3-15 et seq.) and any application for renewal of the license will be treated as an original application for examination. All fees collected under this article shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

Any license may be revoked or suspended by the commissioner upon receiving evidence of incompetence, negligence, intoxication while on duty or other reason establishing that the licensee is unfit to hold a license, after notice is given to the licensee and a hearing afforded him before one or more members of the examining board. In case revocation or suspension is recommended by the member or members conducting the hearing, it shall not be acted upon by the commissioner until at least 15 days' notice of the recommendation shall be given to the licensee and an opportunity afforded him within that time period to ask for a rehearing before the commissioner. After

rehearing, if requested, the commissioner may affirm, modify or dismiss such recommendation. Pending a hearing or rehearing as provided in this paragraph, the commissioner may authorize the suspension of a license in the interest of health and safety.

Amended [1946, c.249](#), s.5; [1960, c.132](#), s.3; [1966, c.193](#); [1982, c.54](#), s.1; [1991, c.205](#), s.7; 2003, c.117, s.1.

34:7-4: Form of license

The form of license shall be such as the commissioner shall approve.

34:7-5: Production of license and equipment inspection certificates on demand

Every engineer and fireman licensed under this chapter shall, while in charge of or operating any equipment described in section 34:7-1, produce all licenses and equipment inspection certificates required under this chapter upon demand by the commissioner or any employee of the Department of Labor and Industry.

Amended by L.[1946, c. 249](#), p. 885, s. 6; L.[1960, c. 132](#), p. 641, s. 4.

34:7-6: Penalties.

Any person who shall violate any of the provisions of this article shall be liable to a penalty of not less than \$500 nor more than \$5,000 per day for each violation, to be collected by suit or compromise. An officer of a corporation violating any of the provisions of this article shall be personally liable, for the violation by such corporation. Any manager, superintendent or other person in charge of any building or other places in which this article is violated shall be liable for such violation. Any sum collected as a penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

Amended [1946, c.249](#), s.7; [1991, c.205](#), s.8; [2003, c.117](#), s.2.

34:7-7: Jurisdiction

34:7-7. The Superior Court and municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of the violation of any provision of this article. The proceedings shall be summary and in accordance with "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) and may be brought in the municipality where the offense was committed, or where the offender may be summoned or arrested, or where he resides.

Amended [1953,c.33](#),s.18; [1991,c.91](#),s.350.

34:7-8: Complaint; process

All proceedings brought for a violation of this article shall be brought in the name of the commissioner as plaintiff. Process shall be either a summons or warrant and shall issue only at the instance of the commissioner, or a member of the bureau of engineers' and firemen's licenses or an employee of the department.

Amended by L.[1953, c. 33](#), p. 586, s. 19.

34:7-9: Service of process

34:7-9. Any process under the provisions of this article shall be served by the commissioner or a member of the engineers' and firemen's license bureau or by any officer authorized to serve process in the Superior Court, Law Division, Special Civil Part, or municipal courts.

Amended [1953,c.33](#),s.20; [1991,c.91](#),s.351.

34:7-12: Execution; commitment

If after issuance of execution against any person convicted of violating this article, sufficient goods and chattels be not found to satisfy the execution, the court shall commit the defendant to the common jail of the county where the conviction is had for a period not exceeding thirty days.

Amended by L.[1953, c. 33](#), p. 587, s. 23.

**ACT ON INSPECTION OF BOILERS, PRESSURE VESSELS
AND REFRIGERATION SYSTEMS**

N.J.S.A. 34:7-4 et seq.

P.L. 1913, c 363 as amended through July 1, 2003

34:7-14: Inspection of boilers.

34:7-14. a. All steam or hot water boilers or similar equipment potentially capable of generating steam, except steam boilers having adequate relief devices set to discharge at a pressure not greater than 15 pounds per square inch, gage, or hot water boilers having adequate relief devices set to discharge at a pressure not greater than 160 pounds per square inch, gage, and which hot water boilers are reliably limited to temperatures not exceeding 250 degrees Fahrenheit, when such steam or hot water boilers serve dwellings of less than six-family units or other dwellings with accommodations for less than 25 persons, shall be inspected and be subject to a hydrostatic test, if necessary, at least once in each year, at 12-month intervals, by an inspector of the Division of Workplace Standards, excepting, however, such as may be insured after having been regularly inspected in accordance with the terms of this article by insurance companies, whose inspectors shall have satisfactorily passed an examination or received certificates of competency approved by the commissioner. Such inspection shall be as completely internal and external as construction permits, except that in the case of a steam or hot water boiler or similar equipment, the operation of which is an integral part of or necessary to a continuous processing operation, internal inspections may, at the discretion of the commissioner, be performed at intervals in excess of 12 months as permitted by the shutting down of the processing operation. The inspection of any equipment described in this chapter by a certified inspector of an insurance company shall be acceptable in lieu of State inspection. This article shall not apply to any boiler having less than 10 square feet of heating surface or a heat input of less than 10 kilowatts or 40,000 British Thermal Units per hour or to equipment under the jurisdiction and control of the United States Government, the inspection of which is actively regulated by a federal agency, or to equipment used solely for the propulsion of motor vehicles regulated by Title 39 of the Revised Statutes.

b. All other pressure vessels may be inspected and be subject to test after installation and periodically at such intervals as the commissioner may by rule establish. Inspection and test shall be performed by an inspector of the Division of Workplace Standards excepting, however, such as may be insured after having been regularly inspected in accordance with the terms of this article, by insurance companies, whose inspectors shall have satisfactorily passed an examination or received certificates of competency approved by the commissioner, or such as may be regularly inspected by a certified user-inspector of a registered inspection agency approved by the commissioner. Such user-inspection shall have passed an examination or received a certificate of competency from the commissioner, and the inspection shall be conducted in such manner as the commissioner may by rule provide. The inspection of any equipment described in this subsection by a certified inspector of an insurance company or a certified user-inspector of a registered inspection agency shall be acceptable in lieu of State inspection where such inspections are recorded with the Division of Workplace Standards accompanied by fees in accordance with the following schedule; the fees established hereunder pursuant to the amendatory provisions of P.L. [2003, c.117](#) shall be in effect for State fiscal years 2003-04 and 2004-05, after which such fees may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation: one to 25 vessels, \$15.00 each; 26 to 100 vessels, \$7.50 each; 101 to 500 vessels, \$6.00 each; and over 500 vessels, \$4.50 each. These fees are to be collected from the owner or user but payable by the inspection agency to the Department of Labor.

This subsection shall not apply to any pressure vessels:

- (1) Subject to internal or external pressure not exceeding 15 psig; or
- (2) Having inside diameter not exceeding 6 inches; or
- (3) Used for water storage purposes serving dwellings of less than

six-family units or other dwellings with accommodations for less than 25 persons, when none of the following limitations is exceeded:

- (a) 200 degrees Fahrenheit
- (b) 120 gallons water containing capacity

(c) 160 psig; or

(4) Under the jurisdiction and control of the United States Government, the inspection of which is actively regulated by a federal agency; or to equipment used solely for the propulsion of motor vehicles regulated by Title 39 of the Revised Statutes.

Amended [1946, c.92](#), s.1; [1960, c.133](#), s.1; [1967, c.211](#), s.1; [1971, c.154](#), s.9; [1971, c.348](#), s.1; [1982, c.54](#), s.2; [1985, c.109](#), s.1; 2003, c.117, s.3.

34:7-15: Fee for inspecting and testing; inspection of new vessels or vessels under construction.

34:7-15. a. For each internal and external inspection of vessels specified in subsection a. of R.S.34:7-14, which shall include hydrostatic test if found necessary, the owner, lessee or operator of the vessel shall pay to the Department of Labor a fee of \$40 for vessels having 10 and not over 60 square feet of heating surface, \$55 for vessels over 60 and not over 1,000 square feet of heating surface and \$75 for vessels over 1,000 square feet of heating surface; plus the actual travel expenses of the inspector. The fees established under this subsection pursuant to the amendatory provisions of P.L.2003, c.117 shall be in effect for State fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation.

b. For each inspection of vessels specified in subsection b. of R.S.34:7-14, the owner, lessee or operator of the vessel shall pay to the Department of Labor a fee of \$10.00 for vessels not over 30 square feet size, \$20.00 for vessels over 30 but not over 60 square feet size, \$30.00 for vessels over 60 but not over 100 square feet size, \$40.00 for vessels over 100 square feet. In determining size rating, the extreme diameter multiplied by the vessel length, or equivalent dimensions, shall be used. The fees established under this subsection pursuant to the amendatory provisions of P.L.2003, c.117 shall be in effect for State fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation.

c. The Division of Workplace Standards shall maintain an inspection service for the purpose of providing shop inspection of those vessels regulated by Chapter 7 of Title 34 of the Revised Statutes, which are under construction or new, or which are to be used for a purpose other than that for which originally approved, or which have never been subject to a previous inspection in New Jersey. This service shall be provided for New Jersey builders, owners or users of such vessels upon their request only. The fees for this service shall be set by the commissioner and shall be: (1) not more than \$50.00 for each vessel inspected, provided that he may establish a charge for each visit, for the purpose of inspection, of not less than \$100.00 nor more than \$300; (2) for construction review of vessel not designed in accordance with standards set by the Board of Boiler, Pressure Vessel and Refrigeration Rules, not less than \$500 nor more than \$1,500. The fees established under this subsection pursuant to the amendatory provisions of P.L.2003, c.117 shall be in effect for State fiscal years 2003-04 and 2004-05 and thereafter may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation.

Amended [1946, c.92](#), s.2; [1960, c.133](#), s.2; [1967, c.211](#), s.2; [1971, c.154](#), s.10; [1982, c.54](#), s.3; [1985, c.109](#), s.2; [1991, c.205](#), s.9; 2003, c.117, s.4

34:7-16: Additional external inspection; fee.

34:7-16. In addition to the annual internal and external inspection, there may be an external inspection if found necessary of each vessel specified in subsection a. of R.S.34:7-14, which shall be made as nearly as may be at the expiration of 6 months from each annual inspection and for which the owner, lessee or operator shall pay to the Department of Labor a fee of \$50. The fees established hereunder pursuant to the amendatory provisions of P.L.2003, c.117 shall be in effect for State fiscal years 2003-04 and 2004-05 and thereafter may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation. Each vessel insured by an insurance company may also be given an external inspection by a certified inspector.

Amended [1946, c.92](#), s.3; [1967, c.211](#), ss.3,10; [1971, c.154](#), s.11; [1982, c.54](#), s.4; [1991, c.205](#), s.10; 2003, c.117, s.5.

34:7-17: Commissioner may order additional inspections

Whenever it shall be deemed necessary by the commissioner, additional inspections may be made of vessels specified in section 34:7-14a. of this Title, which shall be paid for in accordance with section 34:7-16 of this Title.

Amended by L.[1967, c. 211](#), s. 4; L.[1971, c. 154](#), s. 12, eff. May 20, 1971.

34:7-18: Rules and regulations

The commissioner may make such rules and regulations covering the manner of conducting inspections, the method of collecting fees, the settlement of accounts and payment of money on the part of certified inspectors by insurance companies or registered inspection agencies as he may deem necessary.

Amended by L.[1971, c. 154](#), s. 13, eff. May 20, 1971.

34:7-19: Report by insurance company making inspection.

34:7-19. An insurance company making an inspection of any vessel specified in R.S. 34:7-14 shall make a report of such inspection to the commissioner in such manner and at such intervals as he may by rules provide, and shall pay the commissioner a fee of \$20. The fee established hereunder pursuant to the amendatory provisions of P.L.[2003, c.117](#) shall be in effect for State fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation.

The fees shall be payable by and collected from the owner, lessee or operator by the insurer or inspector at the time of inspection for each boiler insured within the State. It is further provided that payment of these fees may be made by the insurer through other methods when required or allowed by the commissioner, as provided in R.S.34:7-18.

Amended [1946, c.92](#), s.4; [1967, c.211](#), s.5; [1991, c.205](#), s.11; 2003, c.117, s.6.

34:7-20: Report by owner; fees

The owner of any vessel specified in section 34:7-14 of this Title shall within 30 days after service on him of written notice so to do, furnish to the commissioner a report of an inspection made in accordance with this article, in default of which the commissioner shall assign an inspector to make the inspection in accordance with the terms of such notice. The fees for any inspection made under this section shall be paid by the owner to the commissioner. On the owner's failure to pay such fee within 30 days after the inspection the commissioner is authorized to sue for its collection in any court of competent jurisdiction.

Amended by L.[1967, c. 211](#), s. 6.

34:7-21: Unfit vessel not to be used

If after inspection it is found that any vessel specified in section 34:7-14 of this Title is unfit for use the inspector shall order its use to be discontinued until properly repaired or replaced. The owner before resuming its use shall cause proper repairs or replacements to be made and shall on the completion thereof notify the commissioner who shall cause a further inspection to be made. If the inspector finds such vessel fit for use he shall deliver to the owner evidence of approval for further use.

Amended by L.[1967, c. 211](#), s. 7; L.[1971, c. 154](#), s. 14, eff. May 20, 1971.

34:7-22: Reinspection

The owner or operator of any vessel specified in section 34:7-14 of this Title, dissatisfied with the result of any inspection may appeal to the commissioner by mail. Upon receipt of the appeal, the commissioner shall direct one of the members of the Mechanical Inspection Bureau to conduct an inspection of such vessel and make a report to him, and he shall thereupon render his decision, which shall be final.

Amended by L.[1967, c. 211](#), s. 8.

34:7-23: Conformance to standards

34:7-23. No steam boiler, pressure vessel or refrigeration system shall be sold, installed or used in this State unless it conforms to such rules, regulations and standards as are from time to time adopted by the Board of Boiler, Pressure Vessel and Refrigeration Rules and approval by the commissioner under authority of R.S. 34:1-47.

Amended by L. [1960,c.133](#),s.3; [1987,c.336](#),s.1.

34:7-24: Evidence of approval

Upon payment of inspection fees and filing of inspection report, the commissioner shall deliver evidence of approval to the owner or operator of any vessel passing inspection.

Amended by L.[1946, c. 92](#), p. 314, s. 5; L.[1967, c. 211](#), s. 9.

34:7-25: Refrigeration systems; inspection; fees; certificate.

34:7-25. All refrigeration systems using flammable or toxic refrigerants of over three tons of refrigerating capacity or requiring over six driving horsepower, and all refrigeration systems using nonflammable and nontoxic refrigerants of over 18 tons of refrigerating capacity or requiring over 36 driving horsepower, having relief devices set over 15 pounds per square inch gage and used in a plant of any size or storage capacity, shall be inspected annually by an inspector of the Mechanical Inspection Bureau or of an insurance company, as provided in subsection a. of R.S.4:7-14; and the owner, lessee or operator shall comply with the recommendations of the inspector in conformity with the rules and regulations adopted by the Board of Boiler, Pressure Vessel and Refrigeration Rules of the Mechanical Inspection Bureau and approved by the commissioner.

The fees for such inspection by an inspector of the Mechanical Inspection Bureau shall be as follows:

- a. Refrigeration systems of 25 tons and over, but less than 300 tons of refrigerating capacity, the sum of \$75 for each inspection;
- b. Refrigeration systems under 25 tons and over 3 tons of refrigerating capacity, the sum of \$50 for each inspection;
- c. Refrigeration systems of 300 tons or over of refrigerating capacity, the sum of \$100 for each inspection.

The fees established hereinabove pursuant to the amendatory provisions of P.L.[2003, c.117](#) shall be in effect for State fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation.

The annual inspection and inspection reports of refrigeration systems by insurance companies licensed to do business within this State and otherwise complying with this chapter shall be accepted in lieu of other inspections. Each insurance company shall file with the commissioner a report of each inspection and shall pay to him a fee of \$20 for each annual refrigeration system inspection, to be collected by the insurer from the owner or lessee of the plant inspected. Such fee as established pursuant to the amendatory provisions of P.L.2003, c.117 shall be in effect for State fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by the Commissioner of Labor in accordance with fee schedules adopted by regulation. After the owner, lessee or operator has complied with the rules or regulations, a certificate shall be issued by the Mechanical Inspection Bureau, which certificate shall be valid for one year and be the authority for the operation of the refrigeration system during such time. Upon expiration, the certificate shall be renewed by the Mechanical Inspection Bureau if the refrigeration system is found to be in proper condition for operation within the prescribed rules of the Mechanical Inspection Bureau. All fees collected under chapter 7 of Title 34 of the Revised Statutes shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

Amended [1960, c.133](#), s.4; [1967, c.212](#), s.1; [1971, c.154](#), s.15; [1982, c.54](#), s.5; [1991, c.205](#), s.12; 2003, c.117, s.7.

34:7-26: Penalties; recovery.

34:7-26. Any owner, lessee, seller or operator of any steam or hot water boiler or similar equipment specified in R.S.34:7-14, pressure vessel or refrigeration system who shall sell, use, cause or allow to be used such steam or hot water boiler or similar equipment specified in R.S.34:7-14, pressure vessel or refrigeration system in violation of any provision of this article shall be liable to a penalty of not less than \$500.00 nor more than \$10,000.00 for each first offense and not less than \$500.00 nor more than \$25,000.00 for each subsequent offense, to be collected by a civil action or, in the commissioner's discretion, to be imposed by the commissioner as a compromise. All civil actions shall be brought by the Department of Labor as plaintiff, and may be brought in the Special Civil Part, Law Division of the Superior Court of the county, or municipal court of the municipality, wherein such violation shall occur. Any sum collected as a penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

Amended [1946, c.92](#), s.6; [1953, c.33](#), s.25; [1960, c.133](#), s.5; [1987, c.366](#), s.2; [1991, c.205](#), s.13; [2003, c.117](#), s.8.1

