

HISTORICAL BOILERS LICENSING BOARD

General information (COM)

Duties

The Historical Boilers Licensing Board is primarily responsible for promulgating standards for inspection and operation of historical boilers in the State, as well as licensing of historical boiler operators. R.C. 4104.34(A) & (F). A “historical boiler” refers to a “steam boiler of riveted construction that is preserved, restored, or maintained for hobby or demonstration.” R.C. 4104.31(B). Historical boilers differ from what is commonly referred to in the boiler industry as modern-day boilers in that modern boilers are not made solely of riveted construction, but rather are manufactured and constructed using welded components and procedures.

The Board also approves historical boiler operator courses, which applicants must attend in order to meet the requirements to obtain a historical boiler operator’s license.

Membership *(Current members, chairperson and other officers, and selection process.)*

The Board consists of “seven members appointed by the governor with the advice and consent of the senate. Terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. One member shall be an employee of the division of boiler inspection in the department of commerce; one member shall be an independent mechanical engineer who is not involved in selling or inspecting historical boilers; and one shall be an active member of an association that represents managers of fairs or festivals.” R.C. 4104.33. And “[t]he remaining four members shall each own a historical boiler and also have at least ten years of experience in the operation of historical boilers, and each of these four members shall reside in a different region of the state.” *Id.* At present, members of the Board include Bruce Babcock, which holds the position for independent engineer; Richard Oeder, which represents managers of fairs and festivals; John Sharier, who is the employee of the Division; and Kim Besecker, John Leck, Homer “Dan” Rufener, and James Lashaway, each of whom sit as the regional members. And Mr. Lashaway serves as Chairman. Dawn Evarson is an employee of the Department of Commerce and serves as the Board Secretary. Don Frymyer and Bill Glover are Commerce employees serving as general inspectors, which perform inspections of historical boilers under the jurisdiction of the Board.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Board is only required to meet annually, but may meet more often as necessary if a meeting is called by the Chairman. R.C. 4104.33. And its costs are generally limited to compensating board members for “their actual and necessary expenses incurred in the discharge of their duties as board members.” *Id.* These direct costs of board member expenses to attend a meeting are roughly six hundred dollars in total per meeting. As such, its budgetary needs are minimal. These costs are covered by the initial licensing fee of fifty dollars, which is paid by historical boiler operators for the operator’s license that is valid for the lifetime of the licensee. The Board does not anticipate an increase or decrease in budget or funding in the future.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The board is required to meet at least annually, but often meets between two and four times per year depending upon the amount of work needing the board’s attention. In 2022, thirty-four historical boiler inspections were performed by the Department’s General Inspectors; sixty-one applicants passed the historical boilers licensing examination; and three training courses were conducted by providers approved by the Board. Since first being established, the Board has issued 727 Historical Boiler Operator’s Licenses, which have no expiration period and are not required to be renewed. Aside from a brief period when the Board was abolished, its workload has neither increased nor decreased significantly in the preceding six years.

At present 123 historical boilers are active in the state, meaning that the historical boilers have been inspected, the required certificate of operation fee has been paid, and the historical boiler has been issued a certificate of operation by the Department of Commerce. Records indicate that 102 historical boilers are currently inactive, meaning that the owners of the boilers did not elect to have the boilers inspected. This often occurs when an owner does not plan to show or operate the historical boiler for a period of time, and, thereby, having no need to obtain a certificate of operation. Inspection of historical boilers and issuance of certificates of operation is performed by the Division of Industrial Compliance. The Board’s involvement is limited to setting criteria for inspectors, procedures for performing inspections, and standards for riveted or welded repairs or alterations made to historical boilers under division (A) of section 4104.34 of the Revised Code.

Staffing *(How many staff are currently employed by the Board? What are their roles? Are staffing levels proportionate to the Board’s current and anticipated workload?)*

No staff are employed directly by the Board. Administrative support for the Board is provided by employees of the Division of Industrial Compliance (the “Division”) within the Ohio Department of Commerce. Roughly five employees within the Division are responsible for nearly all staffing needs of the Board. The Chief Boiler Inspector within the Department of Commerce serves on the Board and oversees the Division’s Boiler Section. The Boiler Section is responsible for performing inspections of both modern-day and historical boilers throughout the state. Two of the Division’s boiler inspectors specifically are involved with performing historical boiler inspections. And the Board Secretary is also an employee of the Division. Finally, the Division’s legal section provides legal counsel to the Board on an as needed basis as well as attending Board meetings.

Administrative hearings and public complaints *(Describe the Board’s processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

While the Board has jurisdiction over licensee discipline, the Board has not had the need to pursue disciplinary action against a licensee in recent memory. If discipline were pursued, it would proceed according to the requirements of Chapter 119. of the Revised Code. In the event a complaint was received, the matter would be referred to the Chief Boiler Inspector and a General Inspector employed by the Division would be asked to investigate the matter alleged in the Complaint.

Historical boiler operator

Survey response (COM)

Description

In order to “operate a historical boiler in this state in a place that is open to the public” an individual must obtain a historical boilers operator license from the Board, and the boiler must have a current valid certificate of operation. R.C. 4104.32. “Open to the public” means “any event that is attended by one hundred twenty-five or more people at any time or that takes place within five hundred yards of one hundred twenty-five or more people.” O.A.C. 1301:3-4-01(A). This requirement, however, only applies to boilers “in excess of sixteen inches interior diameter of the shell of the boiler.” O.A.C. 1301:3-4-01(B).

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Under section 4798.01 of the Revised Code, an “[o]ccupational license’ means nontransferable authorization in law that an individual must possess in order to perform a lawful occupation for compensation based on meeting personal qualifications established by statute, or by a rule authorized by statute. "Occupational license" does not include a commercial or other driver's license issued under the Revised Code.” *Id.* A “historical boiler,” however, is limited to a “steam boiler of riveted construction that is preserved, restored, or maintained *for hobby or demonstration.*” R.C. 4104.31(B) (emphasis added). As such, licenses required to operate historical boilers do not constitute an occupational license, as they are merely maintained for hobby or demonstration and not as an occupation. In order to obtain a historical boiler operator’s license, however, an applicant must meet certain personal qualifications. Accordingly, if the license fits any of the categories defined in section 4798.01 of the Revised Code, it would likely be as an “occupational license.”

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	Numbers vary from year to year. 727 historical boiler operator’s licenses have been issued since the Board was initially established. In general, between 20 and 50 new licenses are issued each year.
Number renewed annually	A historical boiler operator’s license does not expire and is valid for the life of the licensee. R.C. 4104.35(C). As such, the license cannot be renewed.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Aside from the period of roughly a year during which the Historical Boilers Licensing Board was abolished and then reinstated, and the slightly increased number of applications received following this period when demand for the license was unmet and thereby carried over to when the board began to operate again, the board has not seen an increase or decrease in the number of licenses processed over the preceding six years.
Education or training requirements	In order to obtain a historical boiler operator’s license, an applicant must be sixteen years of age or older, have completed a historical boiler operator’s course that is approved by the board, pass a written or verbal examination approved by the board, and have at least one hundred hours of actual operating experience or training in the operation of historical boilers. R.C. 4104.35(A)(1)-(4).

If the regulation is a registration, certification, or license requirement, please complete the following:	
Experience requirements	An applicant must have “one hundred hours of actual operating experience or training in the operation of historical boilers.” R.C. 4104.35(A)(4).
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	The examination is administered by employees of the Division. Questions on the examination were drafted by members of the Board in collaboration with the Division and are reviewed periodically to ensure the examination accurately represents areas of boiler operator practices that concern the Board the most. There is no fee to sit for the examination.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	There is no continuing education requirement for historical boiler operators. <i>See generally</i> R.C. Chapter 4104.
Initial fee	A one-time fee of fifty dollars for issuance of the license. R.C. 4104.35(B).
Duration	Lifetime of the applicant. R.C. 4104.35(C).
Renewal fee (<i>If different from initial fee, please explain why.</i>)	The license is not renewed. <i>See</i> R.C. 4104.35(C).
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Because the Historical Boilers Licensing Board only regulates boilers used for hobby or demonstration, there is no national or uniform licensing standard applicable to this class of boiler. The board, however, has reciprocity with the state of Minnesota, which also licenses historical boiler operators. To the Board’s knowledge, the only other state that offers or requires a license comparable to that required by section 4104.35 of the Revised Code would be North Dakota, which requires a license for operation of “hobby boilers.” While the Board maintains that a historical boiler operator’s license does not constitute an occupational license, it acknowledges that obtaining a license through out-of-state licensing experience pursuant to Chapter 4796. of the Revised Code may also be available.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No. No.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</p>	<p>To begin, operation of historical boilers is not an occupation. Unlike low pressure boiler operators, high pressure boiler operators, and stationary steam engineers, all of which are occupations, a historical boiler is a type of boiler that is preserved, restored, or maintained for hobby or demonstration. Given that historical boiler operation is not an occupation, there are no elements of such an occupation that may be practiced, with or without a license.</p> <p>It should be noted, however, that “[t]he smallest historical boilers that are subject to sections 4104.32 to 4104.36 of the Revised Code are those in excess of sixteen inches interior diameter of the shell of the boiler.” O.A.C. 1301:3-4-01(B). Moreover, the requirement for the license only applies to operation of a historical boiler that is “open to the public,” which means “any event that is attended by one hundred twenty-five or more people at any time or that takes place within five hundred yards of one hundred twenty-five or more people.” O.A.C. 1301:3-4-01(A).</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

Pursuant to rule 1301:3-4-06, the Board may deny the application for licensing or revoke a license of a historical boiler operator “who operates a historical boiler in this state in violation of section 4104.32 of the Revised Code, or any existing or former law of any state substantially equivalent to section 4104.32 of the Revised Code.” O.A.C. 1301:3-4-06(C). License revocation hearings are conducted in accordance with Chapter 119. and sections 4104.32 through 4104.37 of the Revised Code.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Because historical boiler operator licenses are valid for the lifetime of the holder and, as such, do not require renewal, all revenue generated by the board pertaining to operator licenses is limited to the initial licensing fee of \$50.00. Accordingly, annual revenue is dependent upon the number of licenses issued each year, which generally varies between 20 and 50 licenses each year. As a result, annual revenue of the Board is between one thousand and two-thousand five-hundred dollars each year.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Given that this is not an occupation, no federal regulations apply to the operation of historical boilers. Moreover, no federal law requires the state to regulate historical boilers.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

If a boiler experiences a low-water event or other dangerous condition, there is a possibility that the boiler may explode, which may result in serious injury or even death of anyone within the vicinity. A competent operator, therefore, should be present when a boiler is being operated to ensure corrective measures can be taken to address any unsafe conditions and prevent a potentially catastrophic failure. For example, the requirement for the license in Ohio was enacted following a deadly boiler accident at the Medina County Fairgrounds in 2001 in which five people were killed and dozens more injured when a steam traction engine exploded.

With regard to historical boilers, a license is only required to operate a historical boiler in places “open to the public,” which means “any event that is attended by one hundred twenty-five or more people at any time or that takes place within five hundred yards of one hundred twenty-five or more people.” See R.C. 4104.32(A); O.A.C. 1301:3-4-01(A). This limitation on the requirement of the license helps to ensure that attendees at public events where historical boilers are being shown, such as fairs, festivals, and parades, are able to attend these events safely. Conversely, this enables owners and operators of historical boilers that choose not to obtain a license to operate their historical boilers so long as the place of operation is not “open to the public.”

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective at preventing the potential harm of physical injury or death by requiring a licensed operator to be present when a historical boiler is being operated in a place open to the public. There are no less restrictive ways to prevent this harm as the requirement is already narrowly tailored in that a license is only required when a historical boiler is being operated in a place “open to the public,” meaning an event attended by one hundred twenty-five or more people or that takes place within five hundred yards of one hundred twenty-five or more people.

Are there any changes the Board would like to see implemented?

None at this time.

Surrounding state comparison (LSC) (as of July 8, 2024)

Under Ohio law, a “historical boiler” is a steam boiler of riveted construction that is preserved, restored, or maintained for hobby or demonstration.¹⁶ No person may operate a historical boiler in a place open to the public unless the person operating the boiler is licensed by the Historical Boilers Licensing Board.¹⁷

To be issued a historical boiler operator license, an individual must meet the following requirements:

- Be at least 16 years of age;
- Complete a historical boiler operator’s course approved by the Board;
- Pass a written or verbal examination approved by the Board that tests the operator’s competence;
- Complete at least 100 hours of operating experience or training;
- Pay a one-time license fee of \$50.

The license is valid for the operator’s life unless it is revoked by the Board for reasons listed in law.¹⁸

None of the surrounding states require a license to operate a historical boiler. However, Michigan has a certification that applies to boiler operators generally that may apply to historical boiler operation.¹⁹ See the Ohio Legislative Service Commission’s [Occupational Regulation 134th General Assembly \(PDF\)](#) for information on the requirements for Michigan’s boiler operator certification.

¹⁶ R.C. 4104.31.

¹⁷ R.C. 4104.32, by reference to R.C. 4104.35.

¹⁸ R.C. 4104.35.

¹⁹ Mich. Comp. Laws 339.5931.