

You will note that no section of the General Code requires any license whatever of a person who has charge of or operates a boiler of thirty horse power or less. By the terms of Section 1047, supra, "no person shall operate a stationary steam boiler or engine of more than thirty horse power without obtaining a license to do so as provided in this chapter." As provided by Section 1508-1, supra, "any person who desires to operate or have charge of a stationary steam boiler of more than thirty horse power, except boilers which are in charge of a duly licensed engineer, shall make application * * * for a license so to do * * * and shall successfully pass an examination."

In other words, it is unlawful for any person to operate or have charge of a stationary steam engine of more than thirty horse power without first obtaining a license so to do, as provided by Section 1048, supra. By the terms of Section 1047, supra, it is unlawful for any owner, user or agent of an owner of any such steam engine to permit it to be operated unless it is directly in charge of a duly licensed steam engineer.

Section 1058-1, supra, provides for the licensing of qualified applicants to operate or have charge of stationary steam boilers of more than thirty horse power, except boilers which are in charge of a duly licensed engineer. With regard to such boilers, the law contemplates that at all times they shall be attended, supervised and managed by one duly licensed therefor. I do not mean that the licensed operator must perform all labor in connection with the operation and care of such boilers. Obviously, the only requirement of the law is that such boilers shall constantly be under the actual custody, supervision and management of a licensed operator. As long as a licensed operator is on actual duty, supervising and caring for such boiler or boilers, it is my opinion that no prosecution would lie. In order that I may not be misunderstood, it is my opinion that the law requires more than mere physical presence of a duly licensed operator on and about the premises. Such an operator must be present and *actually* have charge of such boilers, even though the manual labor in connection therewith be carried on by other persons not licensed to operate such boilers.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2476.

APPROVAL, BONDS OF MARION COUNTY—\$35,712.72.

COLUMBUS, OHIO, August 24, 1928.

Industrial Commission of Ohio, Columbus, Ohio.