

RS 34:6A-1 et seq

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October 7, 1971

LEGISLATIVE HISTORY OF R.S.34:6A-1 et seq.
(Worker Health and Safety Act)

Previous bills (1954-1965)

- 1962 - A 664 - Passed Assembly.
Died in Senate Committee.
- 1963 - A 49 - Passed in Assembly, amended.
Passed in Senate, amended.
Senate amended. Died in Assembly.
- 1964 - A 583 - Withdrawn from files.
A 626 - Died in committee.
- 1965 - A 343 - Died in Committee.

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1965 - chapter 154 - A 661.

April 12 - Introduced by McDermott, Keegan and Collins.

May 10 - Passed in Assembly, amended.

May 24 - Passed in Senate.

July 19 - Approved, chapter 154.

No statement on bill.

Amended during passage (copy enclosed of law with amendment underlined in red.)

Governor's statement on signing. (copy enclosed)

Amended by L.1969, chapter 96 - see Legislative history of R.S.34:6A-16.

Hearings and Reports

J331.823 Industrial Safety Legislation in New Jersey.
B94 New Brunswick Bureau of Government Research,
Rutgers, 1960

974.90 New Jersey. Governor's Advisory Committee
L123 on the Health and Safety of Workers.
1962

Report. Trenton, 1962

JH/EH
Encl.

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ASSEMBLY NO. 661

FROM: Office of the Governor

FOR RELEASE: July 19, 1965

Governor Richard J. Hughes today signed into law Assembly Bill No. 661, the Worker Health and Safety Act. In signing this bill, the Governor made the following remarks:

"In this day and age, there should be no right more basic to the working man than the guarantee of a safe place to work. Assembly Bill No. 661, by substantially revising and broadening the scope of the former laws pertaining to the health and safety of workers, represents an important forward stride toward the fully effective implementation of that right. I am gratified, therefore, to be able to sign this measure into law.

"It should be observed, however, that such a stride forward will not necessarily complete the journey. Many representatives of various industrial groups have pointed to shortcomings and limitations in this law with which I substantially agree. Assembly Bill No. 661 is the product of a compromise between a stronger and more comprehensive measure prepared by this Administration, and weaker legislation favored by others who were responsible for making passage of the Administration bill impossible. On balance, however, I am satisfied that the compromise bill does represent a significant advance in the law, and I am approving the bill as an important first step. At the same time, I fully intend to seek a further broadening and strengthening of this legislation when the Legislature returns in November."

34:6-119.5 Investigations and inquiries by Department of Health

Nothing herein contained shall be deemed to preclude investigations and inquiries by the State Department of Health pursuant to section 26:2-34 of the Revised Statutes. L.1966, c. 112, § 5.

Library references
 Health \textcircled{C} 6. C.J.S. Health § 9 et seq.
 Labor Relations \textcircled{C} 10 et seq. C.J.S. Master and Servant § 24 et seq.

34:6-119.6 Violation of act; penalty

Any company, the officers and agents thereof, and any other person who shall violate any of the provisions of this act or of any order made by the Commissioner of Labor and Industry pursuant to this act, shall be liable to a penalty of \$50.00 for the first violation and \$100.00 for each subsequent violation. In the case of a continuing violation, the violation on each day shall be deemed to be a separate violation. Any such penalty shall be enforced and collected in accordance with the "Penalty Enforcement Law" (N.J.S. 2A:58). Any such penalty may be collected or enforced by summary proceedings or in a summary manner. Any action to collect or enforce any such penalty shall be brought in the name of the Commissioner of Labor and Industry in the Superior Court or in any County Court or in any county district court of the county wherein the violation occurred or wherein process may be served upon the defendant. All penalties recovered under this act shall be paid into the treasury of this State. L.1966, c. 112, § 6.

Library references
 Labor Relations \textcircled{C} 10 et seq., 1053. C.J.S. Master and Servant §§ 14, 24 et seq.

34:6-137 to 34:6-143. Repealed. L.1965, c. 154, § 20. Effective July 19, 1965

CHAPTER 6A. WORKER HEALTH AND SAFETY [NEW]

Sec.

- 34:6A-1. Short title.
- 34:6A-2. Definitions.
- 34:6A-3. Safe and healthful place of employment.
- 34:6A-4. Structural adequacy; fire prevention; ventilation and lighting; elevators.
- 34:6A-5. Protective devices or safeguards; rendering ineffective.
- 34:6A-6. Enforcement of act; entry and inspection.
- 34:6A-7. Written orders as to violations; imminent physical hazards.
- 34:6A-8. Aggrieved persons; hearings.
- 34:6A-9. Rules and regulations.
- 34:6A-10. Submission of plans and specifications.
- 34:6A-11. Registration; fees.
- 34:6A-12. Report of accidental deaths, fines, etc.
- 34:6A-13. Service and assistance to employers.
- 34:6A-14. Bureau of Engineering and Safety.
- 34:6A-15. New Jersey State Industrial Safety Committee.
- 34:6A-16. Industrial Safety Board.
- 34:6A-17. Existing rights or remedies unaffected; burden of care.
- 34:6A-18. Appeals.
- 34:6A-19. Penalties; compromise of claims.
- 34:6A-20. Repealer; savings clause.
- 34:6A-21. Severability.
- 34:6A-22. Exemptions.
- 34:6A-23. Exceptions from literal requirements of rules and regulations.
- 34:6A-24. Duties of Health Department not abrogated.

34:6A-1. Short title

This act shall be known and may be cited as the "Worker Health and Safety Act." L.1965, c. 154, § 1.

Effective June 19, 1965.

Title of Act: Engineering and Safety in the Department of Labor and Industry; establishing the New Jersey State Industrial safety and establishing a Bureau of

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Safety Committee and the Industrial Safety Board in the Department of Labor and Industry; supplementing Title 34 of the Revised Statutes and repealing sections 34:1-29 to 34:1-33, inclusive,

34:1-37; 34:6-1 to 34:6-47, inclusive, 34:6-48 to 34:6-67.1, inclusive, 34:6-99 to 34:6-104, inclusive, and 34:6-137 to 34:6-143, inclusive of the Revised Statutes. L. 1965, c. 154.

34:6A-2. Definitions

The following terms wherever used or referred to in this act shall have the following meaning:

- (a) "Act" means this act and rules and regulations promulgated hereunder.
- (b) "Board" means the Industrial Safety Board established under this act.
- (c) "Bureau" means the Bureau of Engineering and Safety in the Division of Labor, Department of Labor and Industry established under this act.
- (d) "Commissioner" means the Commissioner of the Department of Labor and Industry or his authorized representatives.
- (e) "Committee" means the New Jersey State Industrial Safety Committee established under this act.
- (f) "Department" means the Department of Labor and Industry.
- (g) "Employee" means any person engaged in service to an employer for wages, salary or other compensation.
- (h) "Employer" means any person or corporation, partnership, individual proprietorship, joint venture, firm, company or other similar legal entity who engages the services of an employee and who pays his wages, salary, or other compensation; and any person exercising supervision of employees on an employer's behalf.
- (i) "Owner" means the person possessing legal or equitable title. For the purposes of this act "Person possessing equitable title" shall mean that person or corporation, partnership, individual proprietorship, joint venture, firm, company or other legal entity that has actual control over the premises used in whole or in part as a place of employment.
- (j) "Place of employment" means any building or other premises occupied by an employer in or about which an employee customarily is suffered or permitted to work. L.1965, c. 154, § 2.

34:6A-3. Safe and healthful place of employment

Every employer shall furnish a place of employment which shall be reasonably safe and healthful for employees. Every employer shall install, maintain and use such employee protective devices and safeguards including methods of sanitation and hygiene and where a substantial risk of physical injury is inherent in the nature of a specific work operation shall also with respect to such work operation establish and enforce such work methods, as are reasonably necessary to protect the life, health and safety of employees, with due regard for the nature of the work required. L.1965, c. 154, § 3.

34:6A-4. Structural adequacy; fire prevention; ventilation and lighting; elevators

The owner of any premises used in whole or in part as a place of employment shall be responsible for its structural adequacy, protection against the origin and spread of fire and for the provision of adequate general ventilation and lighting, emergency egresses, fire warning systems and for safe elevator systems. L.1965, c. 154, § 4.

34:6A-5. Protective devices or safeguards; rendering ineffective

No person shall render ineffective any employee protective devices or safeguards installed or provided in compliance with the provisions of this act for the protection of the health or safety of any employee. L.1965, c. 154, § 5.

34:6A-6. Enforcement of act; entry and inspection

The commissioner shall enforce the provisions of this act, make complaints against persons violating its provisions and prosecute violations of the same.

The commissioner shall have the power and authority to enter and inspect any place of employment, and to make such investigation as is reasonably necessary to carry out the provisions of this act. All information obtained shall be kept confidential except as is necessary to establish a violation of this act in an action that may be brought for the enforcement of this act. The record or determination of any proceeding under this act or any statement or report of any kind whatsoever obtained or received in connection with the administration or enforcement of the provisions of this act shall be privileged and not admissible as evidence in any action for any purpose whatsoever, except such actions that may be brought for the enforcement of this act.

No person shall obstruct, hinder or delay or interfere with by force or otherwise the performance by the commissioner of any duty under the provisions of this act. L.1965, c. 154, § 6.

34:6A-7. Written orders as to violations; imminent physical hazards

If upon inspection the commissioner discovers a condition which exists in violation of the provisions of this act he shall be authorized to order in writing such violation to cease and to take such steps necessary to enforce such an order. Said written order shall state the items which are in violation of the provisions of this act and shall provide a reasonable specified time within which the violations must cease. The person responsible shall make the corrections necessary to comply with the requirements of this act within the time specified in the order.

If the violation constitutes an imminent physical hazard and the commissioner's order is not obeyed he may forthwith prohibit the employment of any person in any place or in any activity which would expose him to the imminent physical hazard. Upon notice received from the responsible employer or owner that the imminent physical hazard has been eliminated, a reinspection shall be made within one working day. If upon reinspection the commissioner determines that the imminent physical hazard has been eliminated, work may be resumed immediately. If the reinspection is not made within one working day following said notice, work may be resumed. Where the person responsible denies that a violation constituting an imminent physical hazard exists, he shall have the right to apply to the commissioner for a hearing which must be afforded and a decision rendered within 48 hours of the request for a hearing. If the commissioner rules against the petitioning party, the petitioning party shall have the right to apply for injunctive relief against the order to cease work. Jurisdiction for such injunctive relief shall be in the Chancery Division of the Superior Court of New Jersey, but the only issue to be determined shall be the existence of a violation constituting an imminent physical hazard. Such relief may be sought by an order to show cause and may be granted ex parte pending a hearing de novo of the matter. L.1965, c. 154, § 7.

34:6A-8. Aggrieved persons; hearings

Any person aggrieved by a ruling, action or order of the commissioner under this act upon application made within 15 days after written notice thereof shall be entitled to a hearing before the commissioner who shall within 30 days thereafter hold a hearing of which at least 15 days' written notice shall be given to all interested parties. Within 30 days after such hearing the commissioner shall issue an appropriate order modifying, approving or disapproving his prior ruling, action or order. A copy of such order shall be served upon all interested parties. Pending the determination by the commissioner and upon application therefor the commissioner may stay the operation of such ruling, action or order upon such terms and conditions as are reasonably necessary to insure compliance with the provisions of this statute. L.1965, c. 154, § 8.

34:6A-9. Rules and regulations

The commissioner shall make and promulgate rules and regulations reasonably necessary to implement the purposes of this act. Such rules and

regulations shall have the force and effect of law and shall be enforced in the manner provided in this act.

Buildings or other structures in use on the effective date of this act as a place of employment other than a place where the manufacturing of goods of any kind is carried on shall not be made to comply with the requirements of rules and regulations promulgated hereunder substantially affecting such building or other structures unless such compliance is essential to correct an unsafe or unhealthful condition which constitutes a serious and substantial threat to the health or safety of employees.

The commissioner shall before promulgation furnish a copy of proposed rules and regulations to the members of the committee for its review and recommendations. Within 90 days of the receipt of said proposed rules and regulations the committee shall provide the commissioner and the board with its written recommendations. Following receipt of the committee's recommendations or upon the expiration of 90 days, the commissioner shall furnish to every member of the board a copy of the proposed rules and regulations with or without change in his discretion and at the same time a notice of intent to promulgate proposed rules and regulations shall be published by the commissioner. This notice of intent shall state briefly the purpose of the proposed rules and regulations, shall state that a copy of the proposed rules and regulations may be obtained by any person upon written request to the department, and shall fix the date, time and place for a public hearing on the proposed rules and regulations, which date shall be not less than 21 days after the publication of the notice. All persons appearing at such hearing shall be given the opportunity to be heard. Rules and regulations, as so proposed or as changed by the commissioner after such hearing, may be promulgated by the commissioner 90 days following delivery to the board to be effective on such date as the rules and regulations shall provide unless disapproved by a majority of the board and if so disapproved such rules or regulations shall not become effective. Within 30 days after the public hearing and on 30 days' notice the commissioner shall call a meeting of the board for the purpose of discussing the proposed rules and regulations. If any changes were made in the proposed rules or regulations following the public hearing, a copy of such change shall accompany such notice. At any meeting called for such purpose disapproval shall be by vote of the majority of the members of the board. L.1965, c. 154, § 9.

34:6A-10. Submission of plans and specifications

The commissioner shall have the power and authority to require by rules and regulations promulgated hereunder that the owner of any building or structure to be erected or adapted as a place of employment submit to the commissioner such plans and specifications for his approval and other data relative thereto before the building or structure is erected or adapted.

He shall further have the power and authority to require by rules and regulations promulgated hereunder that prior to the installation of sanitation facilities, fire prevention and protection, egresses, exhaust and ventilating systems, elevators and other conveying equipment and employee protective devices and equipment the owner or employer submit plans and specifications for his approval and other data relative thereto. L.1965, c. 154, § 10.

34:6A-11. Registration; fees

The commissioner shall have the power and authority to require that places of employment be registered with the department; and that places of employment established subsequent to the effective date of this act be registered with this department before the commencement of business. A notice of registration shall be kept posted in a conspicuous location in the building or part of building occupied by each registrant.

Changes or additions in text are indicated by underline

The commissioner shall have the power and authority to charge a fee of not less than \$5.00 nor more than \$25.00 for each notice of registration issued. L.1965, c. 154, § 11.

34:6A-12. Report of accidental deaths, fines, etc.

Whenever accidental loss of life, or a major fire, major explosion or major structural failure shall occur at a place of employment, the employer shall report such occurrence to the bureau in the quickest manner possible. L.1965, c. 154, § 12.

34:6A-13. Service and assistance to employers

The commissioner is authorized to provide service and assistance to employers in carrying out their responsibilities under this act and to suggest to employers or groups of employers methods and procedures by which they may develop safety programs to carry out such responsibilities. L.1965, c. 154, § 13.

34:6A-14. Bureau of Engineering and Safety

There is hereby established within the Division of Labor of the Department a Bureau of Engineering and Safety, the function of which shall be, under the direction of the commissioner, to administer and enforce the provisions of this act and to perform such other duties as the commissioner may direct or as may be provided by law. The bureau shall be administered by a deputy director of the Division of Labor, appointed by the commissioner, who shall be a licensed professional engineer of this State, but this requirement shall not apply to, or affect the continuance in such position of, the deputy director administering the bureau on the effective date of this act. L.1965, c. 154, § 14. *added by amendment*

34:6A-15. New Jersey State Industrial Safety Committee

There is hereby established within the department the New Jersey State Industrial Safety Committee. The membership, in a number not to exceed 100, shall be appointed by the commissioner and shall comprise persons who have taken a prominent part in the field of accident prevention, or are responsible for accident prevention matters in the organization by which they are employed. In appointing members the commissioner shall, insofar as possible give representation to the various geographical areas of the State and to the various kinds of places of employment subject to this act.

The committee shall adopt rules to govern its proceedings, which rules shall be subject to ratification by the commissioner.

It shall be the function of the committee to advise the commissioner and the board with respect to rules and regulations proposed to be adopted under this act; and to advise the commissioner on matters of safety promotion and accident prevention generally. L.1965, c. 154, § 15.

34:6A-16. Industrial Safety Board

There is hereby established within the department an industrial safety board. The board shall consist of ~~14~~ 15 members, all of whom shall be residents of the State of New Jersey; ~~13~~ 14 appointed by the Governor and the commissioner who shall serve as chairman. Members appointed by the Governor shall be appointed for a 4-year term commencing on July 1 of the year of appointment, except that of those first appointed, 3 shall be appointed for a term of 1 year, 3 for a term of 2 years, 3 4 for a term of 3 years, and 4 for a term of 4 years, which terms shall commence on July 1, 1965. Each member shall hold over after the expiration of his term until his successor has been appointed and has qualified. The Governor may remove any appointed member of the board for cause after a public hearing.

Of the members appointed by the Governor, one member shall be selected from a list of names submitted by the American Society of Safety Engineers;

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one member from a list of names submitted by the American Industrial Hygiene Association, New Jersey section; 2 members from a list of names submitted by the New Jersey AFL-CIO; one member from a list of names submitted by the New Jersey State Industrial Safety Committee; one member from a list of names submitted by the American Insurance Association; one member from a list of names submitted by the American Mutual Insurance Alliances; one member from a list of names submitted by the New Jersey State Chamber of Commerce; one member from a list of names submitted by the New Jersey Manufacturer's Association; one member from a list of names submitted by the South Jersey Manufacturers' Association; one member from a list of names submitted by the Medical Society of New Jersey; one member from a list of names submitted by New Jersey Society of Architects, a Chapter of the American Institute of Architects; one member from a list of names submitted by New Jersey Society of Professional Engineers; and one member from a list of names submitted by the Self-Insurers' Association of New Jersey. At least 3 names shall be submitted by each organization for each member that is to be appointed from its list. Should any organization fail to submit a list the Governor shall appoint a public member or public members, as the case may be, in lieu of the member to be selected from such organization.

The members of the board shall serve without compensation except for the actual expense incurred while engaged in their duties as members of the board. It shall be the duty of the board to act upon proposed rules and regulations in accordance with the provisions of section 9 of this act. The board shall meet at such time as the commissioner may designate at the time and place selected by him. A meeting of the board shall be called by the commissioner when requested by any 3 members of the board. The head of the bureau shall serve as secretary of the board.

L.1965, c. 154, § 16. Amended by L.1969, c. 96, § 1, eff. June 26, 1969.

34:6A-17. Existing rights or remedies unaffected; burden of care

This act shall not in any way enlarge or diminish any right or remedy otherwise existent pursuant to the Revised Statutes of New Jersey or at common law, or increase the burden of care ordinarily imposed by the common law of the State upon those within its jurisdiction. L.1965, c. 154, § 17.

34:6A-18. Appeals

Except as otherwise provided herein, relief from any final order, ruling, or action of the commissioner made pursuant to this act may be sought by application to the Appellate Division of the Superior Court of New Jersey. L.1965, c. 154, § 18.

34:6A-19. Penalties; compromise of claims

Any person violating any of the provisions of this act shall be liable to a penalty of not less than \$25.00 nor more than \$500.00 to be collected in a civil action by a summary proceeding under the Penalty Enforcement Law (N.J.S. 2A:58-1). Any violation of the act by an officer, agent or employee shall also be a violation of the act by his employer if such employer had knowledge of and actual control over the cause of such violation. Where the violation is of a continuing nature each day during which it continues, after the date given by which the violation must be eliminated in the order by the commissioner, shall constitute an additional, separate and distinct offense, except during the time an appeal from said order may be taken or is pending.

The commissioner is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances. L.1965, c. 154, § 19.

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34:6A-20. Repealer; savings clause

Revised Statutes sections 34:1-29 through 34:1-33; 34:1-37; 34:6-1 through 34:6-47; 34:6-48 through 34:6-67.1; 34:6-99 through 34:6-104; and 34:6-137 through 34:6-143 are hereby repealed; provided, however, that any rules and regulations adopted pursuant to the provisions of any section repealed herein shall remain in force and effect until 5 years following the effective date of this act or until sooner replaced by rules and regulations adopted under the provisions of this act. L.1965, c. 154, § 20.

34:6A-21. Severability

If any section, clause or phrase of this act is held unconstitutional or invalid, such decision shall not affect the remaining portions of this act. L.1965, c. 154, § 21.

34:6A-22. Exemptions

This act is not intended to apply and shall not apply to the following:

- (a) Places of employment under the exclusive jurisdiction of the Federal Government with respect to the health and safety of employees;
- (b) Places of employment subject to the provisions of the Mine Safety Act, P.L.1954, c. 197; ¹
- (c) Employment and places of employment subject to the provisions of the Construction Safety Act, P.L.1962, c. 45; ²
- (d) Domestic employment;
- (e) Transportation equipment coming under the jurisdiction of the Interstate Commerce Commission, Federal Aviation Administration, or of the New Jersey Division of Motor Vehicles;
- (f) Institutions requiring a license issued by the Department of Institutions and Agencies pursuant to Revised Statutes 30:11-1;
- (g) Schools, colleges and universities;
- (h) Places of employment with fewer than 4 employees except places of employment in which the manufacturing of goods of any kind is carried on and except as hereinafter provided in paragraph (o) of this section;
- (i) Agricultural employment;
- (j) Banks and other financial institutions;
- (k) Places of employment in which the employees are primarily engaged in office operations and buildings under the actual control of one employer and in which the employees are primarily engaged in office operations or laboratories primarily engaged in research, development, or testing conducted on premises, in separate buildings, or in building sections devoted exclusively to these operations;
- (l) Public utilities which own, operate, manage or control any autobus, canal, express, railroad, street railway, traction railway, subway, pipeline, gas, electric light, heat, power, water, oil, sewer, telephone or telegraph system, plant or equipment for public use, under privileges granted by the State or by any political subdivision thereof, with respect to work operations performed in connection with the plant or facilities of such public utility located in the public streets and highways, roads and alleys, private rights-of-way, or upon their customers' premises;
- (m) Liquefied petroleum gas bulk plants and facilities subject to the jurisdiction and supervision of the Superintendent of State Police, pursuant to chapter 139 of the laws of 1950 (N.J.S.A. 21:1B-1 to 21:1B-8);
- (n) Natural gas pipeline utilities subject to the provisions of the Natural Gas Safety Act (P.L.1952, c. 166) (N.J.S.A. 48:10-2 to 48:10-9); and
- (o) Establishments with fewer than 10 employees and which are devoted exclusively to the sale of goods, or furnishing of services, at retail. L.1965, c. 154, § 22.

¹ Section 34:6-98.1 et seq.

² Section 34:5-166 et seq.

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34:6A-23. Exceptions from literal requirements of rules and regulations

The commissioner shall have the power and authority to grant exceptions from the literal requirements of rules and regulations promulgated under this act. Such exception shall be granted in any particular case only where it is clearly evident that it is necessary to prevent undue hardship or where existing conditions prevent compliance. In no case shall any exception be granted unless in the opinion of the commissioner reasonable protection of the health and safety of workers and the public will be maintained thereby. An application for an exception shall be filed in writing with the commissioner, setting forth specifically the requirements of the rules and regulations from which an exception is desired and the reason why enforcement of the applicable provisions of the rules and regulations is unreasonable. The commissioner shall grant or deny the exception within 30 days from the date of receipt by him of the application. The commissioner shall maintain a record of all exceptions granted and shall make such record reasonably available for public examination and shall mail a copy of all rulings granting exceptions to the members of the board. L.1965, c. 145, § 23.

34:6A-24. Duties of Health Department not abrogated

This act is not intended to abrogate the duties of the New Jersey State Department of Health under chapter 177, laws of 1947.¹ L.1965, c. 154, § 24.

¹ Section 26:1A-1 et seq.

**CHAPTER 7. ENGINEERS' AND FIREMEN'S LICENSES; BOILERS
PRESSURE VESSELS AND REFRIGERATION PLANTS**

ARTICLE 1. ENGINEERS' AND FIREMEN'S LICENSES

Sec.

34:7-2.1. Declaration of becoming a citizen [New].

ARTICLE 1. ENGINEERS' AND FIREMEN'S LICENSES

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

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