HOUSE BILL 148

Unofficial Copy 2001 Regular Session
C2 (1lr0149)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Chairman, Economic Matters Committee (Departmental - Labor, Licensing and Regulation)**

Read and Examined by Proofreaders:

_____
Proofreader.

_____
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____M.

_____
Speaker.

CHAPTER 443

AN ACT concerning

Boiler and Pressure Vessel Safety - Regulation of Inspectors, Owners, Repair Companies, and Insurance Companies

FOR the purpose of authorizing the Commissioner of Labor and Industry to issue and renew special inspection commissions; authorizing the Board of Boiler Rules to formulate certain regulations; ~~requiring the Commissioner to set certain reasonable fees;~~ specifying the requirements that certain individuals and certain companies must satisfy in order to be issued a special inspector commission; specifying the procedures for renewing a special inspector commission; requiring certain procedures to be followed for the inspection and installation of boilers and pressure vessels; requiring certain persons to provide notice of an accident or explosion of a boiler or pressure vessel; authorizing certain inspectors to prohibit the use of a boiler or pressure vessel under certain circumstances; requiring certain inspectors to provide certain notice to an owner or owner's agent; authorizing the Commissioner to assess certain penalties; requiring the owner of a boiler or pressure vessel to perform certain duties;

requiring ~~a company licensed to insure and insuring~~ *an authorized insurer providing insurance coverage for* boiler or pressure vessels to perform certain duties; requiring a person that repairs or alters a boiler or pressure vessel to perform certain duties; ~~repealing~~ amending certain fee schedules ~~and~~; establishing certain fee schedules; repealing certain surety bond requirements; and generally relating to the regulation of boilers and pressure vessels.

BY repealing and reenacting, with amendments,
Article 48 - Inspections
Section 170, 172(b)(4), 174, 176(b)(7) and (8), (c), (e), and (f), 177, and 178
Annotated Code of Maryland
(1998 Replacement Volume and 2000 Supplement)

BY adding to
Article 48 - Inspections
Section 176A, 176B, 176C, and 176D
Annotated Code of Maryland
(1998 Replacement Volume and 2000 Supplement)

BY repealing
Article 48 - Inspections
Section 179
Annotated Code of Maryland
(1998 Replacement Volume and 2000 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 48 - Inspections

170.

The Board shall formulate definitions, rules and regulations for the safe construction, use, installation, maintenance, repair and inspection of boilers and pressure vessels in this State. The rules and regulations so formulated shall conform as nearly as possible to the REQUIREMENTS OF THIS SUBTITLE, Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors, Code for Power Piping, B31.1 of the American Society of Mechanical Engineers, Code for Controls and Safety Devices for Automatically Fired Boilers, CSD-1 of the American Society of Mechanical Engineers, Code for Controls and Safety Devices, NFPA Series 85 of the National Fire Protection Association, and Code for Chemical Plant and Petroleum Refinery Piping, B31.3 of the American Society of Mechanical Engineers, as amended and interpreted from time to time. Rules and regulations formulated by the Board may be adopted and promulgated by the Commissioner of Labor and Industry subject to the approval of the Secretary of Labor, Licensing, and Regulation in the same manner as rules and regulations of the Occupational Health and Safety Advisory

Board. Within 90 days after adoption of the Maryland Building Rehabilitation Code and any subsequent revisions to the Maryland Building Rehabilitation Code by the Department of Housing and Community Development under Article 83B, § 6-503 of the Code, the Board and the Commissioner shall submit proposed regulations to amend the definitions, rules, and regulations to be consistent with the Maryland Building Rehabilitation Code.

172.

(b) The following boilers and pressure vessels shall be exempt from the requirements of §§ 176, 177 and 178 of this subtitle:

(4) Exhibition or antique boilers or pressure vessels, including but not limited to, steam or gas engines, wheat threshers and antique tractors, if these boilers or pressure vessels have been inspected and issued a valid certificate of safety by another state[,] THAT HAS SAFETY REQUIREMENTS EQUAL TO OR GREATER THAN THIS STATE and have been brought into this State to be used in temporary exhibits or shows.

174.

(a) Upon the request of any company licensed to insure and insuring boilers and pressure vessels in this State or, upon the request of any company operating pressure vessels in this State which are regularly inspected and rated by an established inspection service under the supervision of one or more engineers whose qualifications are satisfactory to the Board and in accordance with the rules and regulations adopted by the Board, the Commissioner of Labor and Industry [shall] MAY issue [commissions to any inspectors of said company as special inspectors,] SPECIAL INSPECTOR COMMISSIONS TO AN INDIVIDUAL EMPLOYED BY THE COMPANY WHO SHALL SERVE AS THE COMPANY'S SPECIAL INSPECTOR PROVIDED THAT THE COMPANY AND THE INDIVIDUAL SATISFY THE REQUIREMENTS OF THIS SECTION [provided that each such inspector before receiving his commission shall satisfactorily pass the examination provided for in subsection (b) of this section, or, in lieu of such examination, shall hold a commission or a certificate of competency as an inspector of boilers and pressure vessels for a state that has a standard of examination substantially equal to that of the State of Maryland or a commission as an inspector of boilers and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors]. A [commission as a special inspector] SPECIAL INSPECTOR COMMISSION shall be issued to an [inspector] INDIVIDUAL of a company operating pressure vessels in this State and representatives of employee organizations covered by a collective bargaining agreement only if, in addition to meeting the requirements stated [herein] IN THIS ~~SECTION~~ SUBTITLE, the [inspector] INDIVIDUAL is employed full time by the company and is responsible for making inspections of pressure vessels used, or to be used, by such company, and which are not for resale. [No special inspectors shall] SPECIAL INSPECTORS MAY NOT receive salary from[, nor shall] OR HAVE any of their expenses [be] paid by[,] the State [, and the]. THE continuance of a special inspector's commission shall be conditioned upon [his] THE SPECIAL INSPECTOR continuing in the employ of the boiler insurance company duly authorized as aforesaid, or upon continuing in the

employ of the company operating pressure vessels in this State and upon [his] THE SPECIAL INSPECTOR'S maintenance of the standards imposed by this subtitle. When [such] special inspectors inspect boilers and pressure vessels insured or all pressure vessels operated by their respective companies, [such] THE inspection shall exempt the owners and users of such boilers and pressure vessels from the payment to the State of the inspection fees provided for in this subtitle with respect to each boiler and pressure vessel so inspected.

(B) (1) IN ORDER FOR THE COMMISSIONER TO ISSUE A SPECIAL INSPECTOR COMMISSION TO AN INDIVIDUAL EMPLOYED BY A COMPANY DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE COMPANY SHALL:

(I) PAY A FEE ~~SET BY THE COMMISSIONER~~ AS PROVIDED FOR IN § 178 OF THIS SUBTITLE; AND

(II) SUBMIT, ON THE FORM THAT THE COMMISSIONER REQUIRES, THE NAME AND QUALIFICATIONS OF THE INDIVIDUAL WHO SHALL SERVE AS A SPECIAL INSPECTOR, INCLUDING EVIDENCE THAT THE INDIVIDUAL HAS SATISFIED THE REQUIREMENTS IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) IN ORDER FOR AN INDIVIDUAL TO SERVE AS A SPECIAL INSPECTOR FOR A COMPANY DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE INDIVIDUAL SHALL:

(I) PASS THE EXAMINATION GIVEN BY THE BOARD UNDER SUBSECTION (C) OF THIS SECTION;

(II) HOLD A COMMISSION OR CERTIFICATE OF COMPETENCY AS AN INSPECTOR OF BOILERS AND PRESSURE VESSELS IN A STATE THAT HAS AN EXAMINATION SUBSTANTIALLY EQUIVALENT TO THIS STATE; OR

(III) 1. HOLD A COMMISSION AS AN INSPECTOR OF BOILERS AND PRESSURE VESSELS ISSUED BY THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS; AND

2. PASS THE SEGMENT OF THE MARYLAND EXAMINATION THAT DIFFERS FROM THE NATIONAL EXAMINATION.

[(b)] (C) Examination for special inspectors shall be in writing and shall be held by the Board. [Such] THE examination shall be confined to questions the answers to which will aid in determining the fitness and competency of the [applicant] INDIVIDUAL for the intended service and may be those prepared by the National Board of Boiler and Pressure Vessel Inspectors. In case an [applicant] INDIVIDUAL APPLYING for a special inspector's commission fails to pass the examination, [he] THE INDIVIDUAL may appeal to the Board for another examination which shall be given by the Board within [ninety (90)] 90 days. The record of an [applicant's] INDIVIDUAL'S examination shall be accessible to [said applicant] THE INDIVIDUAL and [his] THE INDIVIDUAL'S employer.

(D) (1) A SPECIAL INSPECTOR COMMISSION ~~EXPIRES 2 YEARS FROM THE DATE THAT IT IS ISSUED UNLESS THE COMMISSION IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SUBSECTION~~ IS VALID FOR A 2-YEAR PERIOD AS DEFINED BY REGULATIONS ADOPTED BY THE COMMISSIONER.

(2) A SPECIAL INSPECTOR COMMISSION MAY BE RENEWED PRIOR TO ITS EXPIRATION IF THE COMPANY EMPLOYING THE SPECIAL INSPECTOR:

(I) PAYS A RENEWAL FEE ~~SET BY THE COMMISSIONER~~ AS PROVIDED FOR IN § 178 OF THIS SUBTITLE; AND

(II) SUBMITS EVIDENCE TO THE COMMISSIONER THAT THE SPECIAL INSPECTOR:

1. REMAINS IN THE EMPLOYMENT OF THE COMPANY; AND

2. HAS BEEN TRAINED ON CURRENT BOILER AND PRESSURE VESSEL TECHNOLOGY IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER UNDER THIS SUBTITLE.

(E) WITHIN 30 DAYS OF THE TERMINATION OF THE EMPLOYMENT OF A SPECIAL INSPECTOR, THE COMPANY SHALL RETURN THE SPECIAL INSPECTOR COMMISSION TO THE CHIEF BOILER INSPECTOR.

176.

(b) On and after July 1, 1969, each boiler and pressure vessel used or proposed to be used within this State, except boilers and pressure vessels exempt under § 172 of this subtitle, shall be thoroughly inspected as to their construction, installation and condition, as follows:

(7) [A grace period of two months beyond the period specified in paragraph (1), (2), (3), and (6) of this subsection may elapse between certificate inspections.

(8)] Under the provisions of this subtitle the Board is responsible to provide for the safety of life, limb and property and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules and regulations which it has formulated. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions, such as (i) previous experience, based on records of performance and maintenance; (ii) location, with respect to personnel hazard; (iii) provision for related safe operation controls; and (iv) interrelation with other operations outside the scope of this subtitle.

(c) (1) [The] EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE inspections [herein] required UNDER SUBSECTION (B) OF THIS SECTION shall be made by the Chief Boiler [Inspector, by] INSPECTOR OR BY a deputy boiler [inspector, or by a special] inspector [provided for by this subtitle].

(2) IF A BOILER OR PRESSURE VESSEL IS INSURED BY AN INSURANCE COMPANY, THE INSPECTIONS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE MADE BY A SPECIAL INSPECTOR EMPLOYED BY THE INSURANCE COMPANY.

(e) (1) (I) [At] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT least 30 days [after] BEFORE installing a boiler or pressure vessel covered by this subtitle, the person performing the installation shall provide the Commissioner with notice of the installation in accordance with regulations adopted by the Commissioner.

(II) DUE TO EMERGENCY CIRCUMSTANCES, A PERSON PERFORMING THE INSTALLATION MAY PROVIDE THE COMMISSIONER WITH LESS THAN 30 DAYS NOTICE OF THE INSTALLATION IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER.

(2) All boilers, other than cast-iron sectional boilers and pressure vessels, to be installed in this State after the [twelve-month] 12-MONTH period from the date upon which the rules and regulations of the Board shall become effective shall be inspected during construction or field assembly as required by the applicable rules and regulations of the Board by an inspector authorized to inspect boilers and pressure vessels in this State or, if constructed outside the State, by an inspector holding [a commission as an inspector of boilers and pressure vessels for a state that has a standard of examination substantially equal to that of this State or] a commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

(f) (1) WITHIN 24 HOURS OF AN ACCIDENT OR EXPLOSION, AN OWNER OR OPERATOR OF A BOILER OR PRESSURE VESSEL SHALL NOTIFY THE CHIEF BOILER INSPECTOR OF THE ACCIDENT OR EXPLOSION IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(2) The Chief Boiler Inspector or deputy boiler inspector shall [inspect and] investigate, upon notification or information, accidents and explosions involving boilers or pressure vessels provided for under this subtitle.

176A.

(A) UPON INSPECTION, THE CHIEF BOILER INSPECTOR OR AN AUTHORIZED DEPUTY BOILER INSPECTOR MAY PROHIBIT THE USE OF A BOILER OR PRESSURE VESSEL IF THE CHIEF BOILER INSPECTOR OR AUTHORIZED DEPUTY BOILER INSPECTOR DETERMINES THAT:

(1) THE BOILER OR PRESSURE VESSEL OR PART OF A BOILER OR PRESSURE VESSEL VIOLATES ANY STANDARD, SAFETY CODE, OR REGULATION ADOPTED UNDER THIS SUBTITLE; AND

(2) THERE IS SUBSTANTIAL PROBABILITY THAT DEATH, SERIOUS PHYSICAL HARM, OR SERIOUS DAMAGE TO PROPERTY COULD RESULT FROM CONTINUED USE OF THE BOILER OR PRESSURE VESSEL.

(B) (1) TO PROHIBIT THE USE OF A BOILER OR PRESSURE VESSEL, THE CHIEF BOILER INSPECTOR OR AN AUTHORIZED DEPUTY BOILER INSPECTOR SHALL GIVE THE OWNER OR THE OWNER'S AGENT NOTICE THAT USE OF THE BOILER OR PRESSURE VESSEL IS PROHIBITED.

(2) THE NOTICE SHALL DESCRIBE, IN DETAIL, THE NATURE OF THE ALLEGED VIOLATION OR VIOLATIONS, THE REASONS FOR THE PROHIBITION FROM USE, THE PENALTY PROVISIONS DESCRIBED IN THIS SUBTITLE, AND WHERE APPROPRIATE, RECOMMENDATIONS ON HOW TO CORRECT THE VIOLATIONS CONTAINED IN THE NOTICE.

(C) A COPY OF THE NOTICE UNDER SUBSECTION (B) OF THIS SECTION:

(1) SHALL BE ATTACHED TO THE BOILER OR PRESSURE VESSEL; AND

(2) MAY NOT BE REMOVED BY ANY PERSON EXCEPT THE CHIEF BOILER INSPECTOR OR AN AUTHORIZED DEPUTY BOILER INSPECTOR UNTIL THE CHIEF BOILER INSPECTOR OR AN AUTHORIZED DEPUTY BOILER INSPECTOR HAS DETERMINED THAT:

(I) EACH VIOLATION DESCRIBED IN THE NOTICE HAS BEEN CORRECTED; AND

(II) THE THREAT OF DEATH, SERIOUS PHYSICAL HARM, OR SERIOUS DAMAGE TO PROPERTY RESULTING FROM THE VIOLATION OR VIOLATIONS HAS BEEN ELIMINATED.

(D) USE OF A BOILER OR PRESSURE VESSEL IS PROHIBITED WHILE A NOTICE UNDER SUBSECTION (B) OF THIS SECTION IS POSTED ON THE BOILER OR PRESSURE VESSEL.

(E) IF THE OWNER OR USER OF A BOILER OR PRESSURE VESSEL CONTINUES TO OPERATE A BOILER OR PRESSURE VESSEL FOLLOWING THE ISSUANCE OF A NOTICE UNDER SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER MAY ASSESS A CIVIL PENALTY AGAINST THE OWNER OR USER IN THE AMOUNT OF <u>UP TO</u> $1,000 PER DAY FOR EACH UNIT <u>IN VIOLATION</u>.

(F) (1) AN OWNER OR USER AGGRIEVED BY A DECISION OF THE COMMISSIONER, THE CHIEF BOILER INSPECTOR, OR AN AUTHORIZED DEPUTY BOILER INSPECTOR UNDER THIS SECTION MAY BRING AN ACTION TO MODIFY OR VACATE THE DECISION ON THE GROUND THAT IT IS UNLAWFUL.

(2) AN ACTION UNDER THIS SUBSECTION SHALL BE BROUGHT IN THE CIRCUIT COURT FOR BALTIMORE CITY OR THE CIRCUIT COURT FOR THE COUNTY WHERE THE BOILER OR PRESSURE VESSEL IS LOCATED.

(3) IN A PROCEEDING UNDER THIS SUBSECTION, A COURT MAY NOT STAY A DECISION OF THE COMMISSIONER, THE CHIEF BOILER INSPECTOR, OR AN AUTHORIZED DEPUTY BOILER INSPECTOR UNLESS:

(I) THE COURT GIVES THE COMMISSIONER NOTICE AND AN OPPORTUNITY FOR A HEARING; AND

(II) THE AGGRIEVED OWNER OR USER POSTS SECURITY OR MEETS EACH CONDITION THAT THE COURT CONSIDERS PROPER.

176B.

THE OWNER OR USER OF A BOILER OR PRESSURE VESSEL SHALL:

(1) ENSURE THAT THE BOILER OR PRESSURE VESSEL IS OPERATED, INSPECTED, AND REPAIRED IN ACCORDANCE WITH THIS SUBTITLE AND WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE;

(2) MAINTAIN A COPY OF INSPECTION, MAINTENANCE, AND REPAIR RECORDS AT A CENTRAL LOCATION IN ACCORDANCE WITH REGULATIONS UNDER THIS SUBTITLE; AND

(3) MAKE INSPECTION, MAINTENANCE, AND REPAIR RECORDS AVAILABLE TO THE INSPECTOR CHARGED WITH INSPECTING THE BOILER OR PRESSURE VESSEL.

176C.

(A) ~~A COMPANY LICENSED TO INSURE AND INSURING~~ *AN AUTHORIZED INSURER PROVIDING INSURANCE COVERAGE FOR* BOILERS OR PRESSURE VESSELS IN THE STATE SHALL:

(1) CONDUCT THE CERTIFICATE INSPECTION FOR EACH COVERED BOILER AND PRESSURE VESSEL THAT THE COMPANY INSURES BY THE DATE THE INSPECTION IS DUE;

(2) SUBMIT THE REPORTS REQUIRED UNDER § 177 OF THIS SUBTITLE TO THE CHIEF BOILER INSPECTOR;

(3) ~~(I)~~ DEVELOP ~~AND~~, MAINTAIN, SUBMIT, AND UPDATE AS DEFINED BY REGULATION A DATABASE OF ALL BOILERS AND PRESSURE VESSELS THAT THE COMPANY INSURES IN THE STATE AND TRACK THE DATES THEIR CERTIFICATE INSPECTIONS ARE DUE TO ENSURE THAT THE CERTIFICATE INSPECTIONS ARE DUE AND COMPLETED AS REQUIRED UNDER THIS SUBTITLE;

~~(II) SUBMIT A COPY OF THE DATABASE TO THE CHIEF BOILER INSPECTOR WITHIN 30 DAYS OF DEVELOPING THE DATABASE; AND~~

~~(III) WITHIN 60 DAYS OF AN INSURANCE POLICY BEING WRITTEN, CANCELED, NOT RENEWED, OR SUSPENDED, SUBMIT AN UPDATED DATABASE TO THE CHIEF BOILER INSPECTOR THAT REFLECTS THE CHANGE;~~ AND

(4) ~~(I)~~ DEVELOP ~~AND~~, MAINTAIN, AND MAKE AVAILABLE TO THE COMMISSIONER A QUALITY ASSURANCE PROGRAM IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE ~~;~~

~~(II) SUBMIT A COPY OF THE QUALITY ASSURANCE PROGRAM TO THE CHIEF BOILER INSPECTOR, WHICH SHALL BE DEEMED CONFIDENTIAL; AND~~

~~(III) IF THE QUALITY ASSURANCE PROGRAM IS MODIFIED, SUBMIT AN UPDATED COPY OF THE QUALITY ASSURANCE PROGRAM TO THE CHIEF BOILER INSPECTOR WITHIN 60 DAYS OF THE CHANGES BEING MADE~~.

(B) IF MORE THAN ONE INSURANCE COMPANY PROVIDES INSURANCE FOR A BOILER OR PRESSURE VESSEL OR IF AN OWNER-USER EMPLOYS AN INDIVIDUAL WITH A SPECIAL INSPECTOR COMMISSION, THE INSURANCE COMPANIES OR OWNER-USER:

(1) MAY AGREE TO COORDINATE INSPECTIONS TO ENSURE THAT THE BOILER OR PRESSURE VESSEL IS INSPECTED; AND

(2) SHALL ~~DOCUMENT ANY AGREEMENT TO~~ ENSURE THAT RESPONSIBILITY FOR THE INSPECTION IS CLEARLY DEFINED.

176D.

A PERSON THAT REPAIRS OR ALTERS A BOILER OR PRESSURE VESSEL SHALL:

(1) PROVIDE NOTICE TO, AND RECEIVE APPROVAL FROM, THE CHIEF BOILER INSPECTOR, A DEPUTY BOILER INSPECTOR, OR A SPECIAL INSPECTOR PRIOR TO COMMENCING A REPAIR OR ALTERATION THAT:

(I) AFFECTS THE WORKING PRESSURE OR SAFETY OF A BOILER OR PRESSURE VESSEL; OR

(II) INVOLVES FUSION WELDING;

(2) REPAIR THE BOILER OR PRESSURE VESSEL IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE COMMISSIONER; AND

(3) PROVIDE REPORTS, AS REQUIRED BY REGULATIONS ADOPTED UNDER THIS SUBTITLE, TO THE CHIEF BOILER INSPECTOR AND THE OWNER OF THE BOILER OR PRESSURE VESSEL.

177.

(a) [Each company employing such special inspectors except a company operating pressure vessels covered by owner or user inspection service meeting the requirements of this subtitle shall, within thirty (30) days following each certificate inspection made by such inspectors, file a report of such inspection with the Chief Boiler Inspector upon appropriate forms as promulgated by the National Board of Boiler and Pressure Vessel Inspectors. The filing of reports of external inspections

shall not be required except when such inspections disclose that the boiler is in a dangerous condition.] EXCEPT FOR A COMPANY OPERATING PRESSURE VESSELS COVERED BY AN OWNER-USER INSPECTION SERVICE MEETING THE REQUIREMENTS OF THIS SUBTITLE, EACH COMPANY EMPLOYING A SPECIAL INSPECTOR SHALL:

(1) WITHIN 30 DAYS OF AN INSPECTION, FILE A REPORT WITH THE CHIEF BOILER INSPECTOR FOR EACH OF THE FOLLOWING INSPECTIONS IN THE FORMAT REQUIRED BY REGULATION ADOPTED UNDER THIS SUBTITLE:

(I) ALL CERTIFICATE INSPECTIONS; AND

(II) ANY OTHER INSPECTION FOR WHICH REPORTS ARE REQUIRED TO BE SUBMITTED AS PROVIDED FOR BY REGULATIONS ADOPTED UNDER THIS SUBTITLE;

(2) ~~PAY A REPORT FILING FEE SET BY THE COMMISSIONER~~ FOR ANY REPORT NOT FILED ELECTRONICALLY, PAY A $5.00 REPORT FILING FEE; AND

(3) WITHIN 24 HOURS OF AN INSPECTION, NOTIFY THE CHIEF BOILER INSPECTOR WHEN AN INSPECTION REVEALS A HAZARDOUS CONDITION AS DESCRIBED IN § 176A(A)(2) OF THIS SUBTITLE AFFECTING THE SAFETY OF A BOILER OR PRESSURE VESSEL.

(b) Each company operating pressure vessels covered by owner or user inspection service meeting the requirements of this subtitle shall maintain in its files an inspection record which shall list, by number and such abbreviated description as may be necessary for identification, each pressure vessel covered by this subtitle, the date of the last inspection of each such unit, and for each pressure vessel the approximate date for the next inspection thereof arrived at by applying the appropriate rules therefor to all data available at the time such inspection record is compiled. The inspection record shall be readily available for examination by the Chief Inspector or his authorized representative during business hours. The company shall, in addition, file annually with the Chief Inspector a statement, signed by the engineer having supervision over the inspections made during the period covered thereby, stating the number of vessels covered by this subtitle inspected during the year and certifying that each inspection was conducted pursuant to the inspection requirements provided for by this subtitle. The annual statement shall be accompanied by a filing fee ~~SET BY THE COMMISSIONER~~ [in accordance with the following schedule:

For statements covering not more than 25 vessels.....$5.00 per vessel;

For statements covering more than 25 but less than 101 vessels..... $125.00;

For statements covering more than 100 but less than 501 vessels $250.00;

For statements covering more than 500 vessels ..... $325.00].

(c) If the report filed pursuant to subsection (a) of this section shows that a boiler or pressure vessel complies with the rules and regulations of the Board, the

Chief Boiler Inspector shall issue to the owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or pressure vessel may be operated. The inspection certificate shall be valid for not more than [14]12 months from its date in the case of power boilers and high pressure, high temperature water boilers and [26] 24 months in the case of low pressure steam or vapor heating boilers, hot water heating boilers or hot water supply boilers and pressure vessels, except ~~that,~~ when the Board has granted an extension of the period between certificate inspections as permitted by this subtitle~~, the certificate shall be valid for a grace period of two months beyond the expiration date of the current certificate~~. Certificates shall be posted under glass in the room containing the boiler or pressure vessel inspected. If the boiler or pressure vessel is not located within the building, the certificate shall be posted in a location convenient to the boiler or pressure vessel inspected or in any place where it will be accessible to interested parties.

(d) No inspection certificate issued for an insured boiler or pressure vessel based upon a report of a special inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a company duly authorized by this State to provide such insurance.

(e) The Chief Boiler Inspector or [his] AN authorized [representative] DEPUTY BOILER INSPECTOR may at any time suspend an inspection certificate when, in [his] THEIR opinion, the boiler or pressure vessel for which it was issued cannot be operated without menace to the public safety or when the boiler or pressure vessel is found not to comply with the rules and regulations herein provided. Each suspension of an inspection certificate shall continue in effect until such boiler or pressure vessel shall have been made to conform to the rules and regulations of the Board and until such inspection certificate shall have been reinstated.

178.

(a) [The owner or user of a boiler or pressure vessel required by this subtitle to be inspected by the Chief Boiler Inspector, or his deputy boiler inspectors, pays directly to the Chief Boiler Inspector, upon completion of inspection, fees in accordance with the following schedule:

(1) Certificate inspection:

(i) Initial certificate inspection of a boiler or pressure vessel not previously registered in Maryland ..... no charge

(ii) Certificate inspection of a boiler or pressure vessel, other than a pressure vessel attached to an air compressor, previously registered in Maryland $40.00

(iii) Certificate inspection of a pressure vessel previously registered in Maryland attached to an air compressor $10.00

(iv) Certificate inspection of an additional boiler or pressure vessel previously registered in Maryland, at the same location, on the same date $10.00

(v) Follow-up inspection to determine ~~in~~ compliance ..... ~~no charge~~ $50.00

(2) Inspection of antique or model steam boiler or pressure vessel $15.00

(3) Investigation of accident or complaint ..... no charge

(4) Special inspections, such as inspection at fabrication or repair facility, ASME joint review, or National Board of ~~Boiler Rules Audit~~ INSPECTION CODE REPAIR REVIEW shall be charged at the following rate, and all expenses such as travel and hotel costs:

(i) Half day (up to 4 hours) ..... ~~$125.00~~ $250.00

(ii) Full day (up to ~~7.1~~ 8 hours) ..... ~~$250.00~~ $500.00.~~]~~

~~(1) THE COMMISSIONER MAY SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF SPECIAL INSPECTOR COMMISSIONS, INSPECTIONS, AND ITS OTHER SERVICES.~~

~~(2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE SPECIAL INSPECTOR COMMISSION PROGRAM ESTABLISHED UNDER § 172 OF THIS SUBTITLE AND FOR THE COSTS ASSOCIATED WITH INSPECTING BOILERS AND PRESSURE VESSELS AND ISSUING INSPECTION CERTIFICATES.~~

(B) SPECIAL INSPECTOR COMMISSION FEES SHALL BE PAID IN ACCORDANCE WITH THE FOLLOWING ~~SECHEDULE:~~ *SCHEDULE:*

(1) COMPETENCY EXAM OR REEXAM $50.00

(2) SPECIAL INSPECTOR COMMISSION $50.00

(3) SPECIAL INSPECTOR COMMISSION RENEWAL OR REPLACEMENT OF IDENTIFICATION CARD .....$50.00.

~~(b)~~ (C) All moneys received by the Chief Boiler Inspector from [inspection] fees shall be deposited in the General Fund of the State [treasury].

[179.

The Chief Boiler Inspector and the deputy boiler inspectors will, upon entering the performance of their duties, be covered by surety bonds in accordance with the provisions of Title 9, Subtitle 17 of the State Government Article, as amended from time to time.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2001.