

HOUSE BILL 534

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E4

2004 Regular Session  
(41r0093)

**ENROLLED BILL**

-- Economic Matters/Education, Health, and Environmental Affairs --

Introduced by **Chairman, Economic Matters Committee (By Request -  
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 351

1 AN ACT concerning

2 **Commissioner of Labor and Industry - Boiler and Pressure Vessel Safety -**  
3 **Authority and Inspection Intervals**

4 FOR the purpose of exempting certain model steam boilers from ~~the Boiler and~~  
5 ~~Pressure Vessel Safety Act~~ certain inspection requirements; requiring that  
6 certain time intervals for certificate inspections of boilers and pressure vessels  
7 be set by regulation and certain provisions of law; altering the period of validity  
8 for a certain certificate; requiring that a certain certificate specify a certain  
9 inspection interval; requiring the chief boiler inspector to issue a certain  
10 certificate to an owner of a boiler or pressure vessel under certain conditions;  
11 requiring the Department of Labor, Licensing, and Regulation to make a certain  
12 report on or before a certain date; defining certain terms; and generally relating  
13 to boiler and pressure vessel safety.

14 BY repealing and reenacting, without amendments,  
15 Article - Public Safety

1 Section 12-901(a) and ~~12-911(a)~~ 12-903(b)(9) and (10)  
 2 Annotated Code of Maryland  
 3 (2003 Volume)

4 ~~BY repealing~~  
 5 ~~Article - Public Safety~~  
 6 ~~Section 12-911(b)~~  
 7 ~~Annotated Code of Maryland~~  
 8 ~~(2003 Volume)~~

9 BY adding to  
 10 Article - Public Safety  
 11 Section 12-901(i), ~~12-903(b)(11), and 12-911(b)~~  
 12 Annotated Code of Maryland  
 13 (2003 Volume)

14 BY repealing and reenacting, with amendments,  
 15 Article - Public Safety  
 16 Section 12-901(i) through (k), ~~12-903(b)(9) and (10), and 12-909(d)~~ 12-909(d),  
 17 and 12-911  
 18 Annotated Code of Maryland  
 19 (2003 Volume)

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

22 **Article - Public Safety**

23 12-901.

24 (a) In this subtitle the following words have the meanings indicated.

25 (I) "MODEL STEAM BOILER" MEANS A BOILER THAT IS:

26 (1) INDIVIDUALLY FABRICATED FOR NONCOMMERCIAL USE;

27 (2) USED PRIMARILY FOR DEMONSTRATION, EXHIBITION, OR  
 28 EDUCATIONAL PURPOSES; AND

29 (3) NOT FOR PROFIT.

30 [(i)] (J) "Power boiler" means a boiler in which steam or other vapor is  
 31 generated at a pressure of more than 15 psig.

32 [(j)] (K) (1) "Pressure vessel" means a vessel in which the pressure is  
 33 obtained:

- 1 (i) from an external source; or
- 2 (ii) by the application of heat from:
- 3 1. an indirect source; or
- 4 2. a direct source other than a boiler.

5 (2) "Pressure vessel" does not include a pipe, piping component, or  
6 structure whose primary function is to transport fluids.

7 [(k)] (L) "Secretary" means the Secretary of Labor, Licensing, and Regulation.  
8 12-903.

9 (b) This subtitle does not apply to:

10 (9) a mechanical device of any of the following types:

- 11 (i) a pump;
- 12 (ii) a compressor;
- 13 (iii) a turbine;
- 14 (iv) a generator; or
- 15 (v) a hydraulic or pneumatic cylinder; {or}

16 (10) the water-containing part of an air-conditioning or refrigeration  
17 system condenser or evaporator:

- 18 (i) that uses halocarbon refrigerant;
- 19 (ii) that is constructed in accordance with the requirements of  
20 ANSI/ASHRAE Standard 15 (the safety code for mechanical refrigeration) in effect at  
21 the time of construction; and
- 22 (iii) if neither of the following limitations is exceeded:
- 23 1. a design pressure of 300 psig; and
- 24 2. a design temperature of 210 degrees Fahrenheit; ~~OR~~

25 ~~(11) MODEL STEAM BOILERS.~~

26 12-909.

27 (d) (1) Except for boilers and pressure vessels exempt under subsection (a)  
28 of this section or § 12-903 of this subtitle, each boiler and each pressure vessel that is  
29 used or proposed to be used in the State shall be inspected thoroughly as to its  
30 construction, installation, and condition in accordance with this subsection.

- 1 (2) A certificate inspection required under this subsection shall be:
- 2 (i) an internal inspection if construction allows; or
- 3 (ii) an inspection that is as complete as possible.
- 4 (3) (i) ~~A~~ EXCEPT FOR MODEL STEAM BOILERS, A power boiler or a high  
5 pressure, high temperature water boiler shall:
- 6 1. receive a certificate inspection annually; and
- 7 2. be externally inspected annually while under pressure, if  
8 possible.
- 9 (ii) The Board may extend to 2 years the interval between  
10 certificate inspections of a power boiler if:
- 11 1. the power boiler has internal continuous water treatment  
12 under the general supervision of a professional engineer who has experience in the  
13 treatment of boiler water; and
- 14 2. the owner or user of the power boiler keeps available, for  
15 examination by the Chief Boiler Inspector or by a deputy boiler inspector or special  
16 inspector, accurate records that show:
- 17 A. the date, time, and reason that the power boiler is out of  
18 service; and
- 19 B. a chemical and physical analysis of samples of the boiler  
20 water taken at regular intervals of not more than 48 hours of operation that  
21 adequately show the condition of the boiler water and any elements or characteristics  
22 of the boiler water that are capable of producing corrosion or other deterioration of the  
23 power boiler or its parts.
- 24 ~~(4) A heating boiler shall receive a certificate inspection biennially.~~
- 25 ~~(5) (i) A pressure vessel that is subject to internal corrosion shall~~  
26 ~~receive a certificate inspection biennially.~~
- 27 ~~(ii) A pressure vessel that is not subject to internal corrosion shall~~  
28 ~~receive a certificate inspection at intervals set by the Board.~~
- 29 ~~(iii) Internal inspection is not required of a pressure vessel if:~~
- 30 ~~1. the contents of the pressure vessel are known to be~~  
31 ~~noncorrosive to the material of which the shell, heads, or fittings are constructed;~~
- 32 A. ~~from the chemical composition of the contents; or~~
- 33 B. ~~from evidence that the contents are adequately treated~~  
34 ~~with a corrosion inhibitor; and~~

1                                   2-     the pressure vessel is constructed in accordance with  
2 regulations adopted under this subtitle.

3                   (6)     (4)     A nuclear vessel within the scope of this subtitle shall be  
4 inspected and reported in a form and with appropriate information designated by the  
5 Board.}

6                                   (3)     (5)     (1)     EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
7 SUBSECTION, CERTIFICATE INSPECTIONS SHALL BE CONDUCTED AT TIME  
8 INTERVALS SET FORTH IN REGULATIONS ADOPTED UNDER THIS SUBTITLE AND IN  
9 ACCORDANCE WITH TITLE 10 OF THE STATE GOVERNMENT ARTICLE.

10                                   (II)     THE INTERVALS SHALL PROTECT PUBLIC SAFETY TAKING INTO  
11 CONSIDERATION, CONSISTENT WITH § 12-905 OF THIS SUBTITLE, THE DESIGN, TYPE,  
12 AGE, EXTENT OF AUTOMATED MONITORING, FUEL, AND OPERATING  
13 CHARACTERISTICS OF THE BOILER OR PRESSURE VESSEL.

14 12-911.

15     (a)     If the report filed in accordance with § 12-910(a) of this subtitle shows that  
16 a boiler or pressure vessel complies with regulations adopted under this subtitle, the  
17 Chief Boiler Inspector shall issue to the owner or user of the boiler or pressure vessel  
18 a certificate that bears the date of inspection, SPECIFIES THE INSPECTION INTERVAL,  
19 and specifies the maximum pressure under which the boiler or pressure vessel may  
20 be operated.

21     [(b)     Unless the Board has extended the interval between certificate inspections  
22 as authorized by this subtitle, the certificate is valid for:

23                   (1)     not more than 12 months after its date of issuance for a power boiler  
24 or high pressure, high temperature water boiler; and

25                   (2)     not more than 24 months after its date of issuance for a low pressure  
26 steam or vapor heating boiler, hot water heating boiler, hot water supply boiler, or  
27 pressure vessel.]

28     (B)     EXCEPT AS PROVIDED IN § 12-909(D)(3) OF THIS SUBTITLE, THE  
29 CERTIFICATE IS VALID FOR THE PERIOD THAT CORRESPONDS TO THE INTERVAL  
30 BETWEEN CERTIFICATE INSPECTIONS AS ESTABLISHED BY REGULATION UNDER §  
31 12-909 OF THIS SUBTITLE.

32     (C)     IF THE CERTIFICATE INSPECTION INTERVAL FOR A BOILER OR PRESSURE  
33 VESSEL IS EXTENDED UNDER § 12-909(D)(5) OF THIS SUBTITLE, THE CHIEF BOILER  
34 INSPECTOR SHALL PROMPTLY ISSUE A CERTIFICATE TO THE OWNER OF THE BOILER  
35 OR PRESSURE VESSEL THAT BEARS THE NEW EXPIRATION DATE.

36     [(c)]     (D)     (1)     The certificate shall be posted under glass in the room that  
37 contains the boiler or pressure vessel that was inspected.

1           (2)     If the boiler or pressure vessel is not located in a building, the  
2 certificate shall be posted in a location convenient to the boiler or pressure vessel that  
3 was inspected or in any place where the certificate will be accessible to interested  
4 parties.

5     [(d)]   (E)    (1)     The Chief Boiler Inspector or an authorized deputy boiler  
6 inspector may suspend a certificate at any time when, in the opinion of the inspector,  
7 the boiler or pressure vessel for which the certificate was issued:

8                   (i)     cannot be operated without danger to public safety; or

9                   (ii)    is found not to comply with regulations adopted under this  
10 subtitle.

11           (2)     The suspension of a certificate continues until:

12                   (i)     the boiler or pressure vessel is made to conform to the  
13 regulations adopted under this subtitle; and

14                   (ii)    the certificate is reinstated.

15     [(e)]   (F)    If a boiler or pressure vessel for which a certificate was issued based  
16 on the report of a special inspector ceases to be insured by an authorized insurer, the  
17 certificate is invalid.

18     SECTION 2. AND BE IT FURTHER ENACTED, That, subject to § 2-1246 of  
19 the State Government Article, the Department of Labor, Licensing, and Regulation  
20 shall report to the House Economic Matters Committee and the Senate Education,  
21 Health, and Environmental Affairs Committee on or before December 1, 2004, on its  
22 progress in reducing the number of overdue boiler inspections.

23     ~~SECTION 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect July 1, 2004.