

# HOUSE BILL 1274

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By: **Delegates Haddaway, Eckardt, Bates, Elmore, Feldman, George, Harrison, Hecht, Impallaria, Jennings, King, Kipke, Kirk, Krebs, Kullen, Manno, McComas, McHale, Miller, Myers, Norman, O'Donnell, Schuh, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdales, Stull, Walkup, and Wood**

Introduced and read first time: February 8, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Boiler and Pressure Vessel Safety – Inspections – Antique Boilers**  
3 **or Pressure Vessels**

4 FOR the purpose of authorizing certain inspections of certain antique boilers or  
5 pressure vessels to be made by certain private inspectors under certain  
6 circumstances; requiring certain private inspectors who make certain  
7 inspections to file a certain report with the Chief Boiler Inspector; requiring the  
8 Chief Boiler Inspector to issue a certain certificate to the owner or user of  
9 certain antique boilers or pressure vessels under certain circumstances; and  
10 generally relating to inspections of boilers and pressure vessels.

11 BY repealing and reenacting, with amendments,  
12 Article – Public Safety  
13 Section 12–909  
14 Annotated Code of Maryland  
15 (2003 Volume and 2007 Supplement)

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

18 **Article – Public Safety**

19 12–909.

20 (a) The requirements of this section and §§ 12–910 and 12–911 of this  
21 subtitle do not apply to:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) a boiler or pressure vessel that is located on a farm and used solely  
2 for agricultural purposes;

3 (2) a heating boiler that is located in a private residence or an  
4 apartment house with less than six family units;

5 (3) a pressure vessel that:

6 (i) contains only water under pressure for domestic supply  
7 purposes, including a pressure vessel that contains air, the compression of which  
8 serves only as a cushion or airlift pumping system; and

9 (ii) is located in a private residence or an apartment house with  
10 less than six family units; or

11 (4) an exhibition or antique boiler or pressure vessel, including a  
12 steam or gas engine, wheat thresher, or antique tractor, if the boiler or pressure  
13 vessel:

14 (i) has been inspected and issued a certificate of safety by  
15 another state that has safety requirements equal to or greater than those of this State;  
16 and

17 (ii) has been brought into this State to be used in a temporary  
18 exhibit or show.

19 (b) The Chief Boiler Inspector or a deputy boiler inspector shall have free  
20 access, during reasonable hours, to any premises in the State:

21 (1) to determine whether a boiler or pressure vessel is being  
22 constructed for use or installed in the State in accordance with this subtitle;

23 (2) to inspect or investigate an accident or explosion that involves a  
24 boiler or pressure vessel; or

25 (3) to make an inspection required under this subtitle.

26 (c) (1) Except as provided in paragraphs [(2) and (3)] **(2), (3), AND (4)** of  
27 this subsection, the Chief Boiler Inspector or a deputy boiler inspector shall make the  
28 certificate inspections required under subsection (d) of this section.

29 (2) If a boiler or pressure vessel is insured by an insurer, a special  
30 inspector employed by the insurer shall make the inspections required under  
31 subsection (d) of this section.

32 (3) If a pressure vessel is owned or operated by a person who employs  
33 a special inspector who holds a commission, the special inspector shall make the  
34 inspections required under subsection (d) of this section.

1           (4) (I) IF A BOILER OR PRESSURE VESSEL IS AN EXHIBITION OR  
2 ANTIQUE BOILER OR PRESSURE VESSEL, INCLUDING A STEAM OR GAS ENGINE,  
3 WHEAT THRESHER, OR ANTIQUE TRACTOR, THAT WILL BE USED IN AN EXHIBIT  
4 OR SHOW FOR NONCOMMERCIAL PURPOSES, THE INSPECTIONS REQUIRED  
5 UNDER SUBSECTION (D) OF THIS SECTION MAY BE MADE BY A PRIVATE  
6 INSPECTOR WHO HAS LEVEL II OR LEVEL III CERTIFICATION FROM THE  
7 AMERICAN SOCIETY FOR NONDESTRUCTIVE TESTING (ASNT).

8           (II) IF A CERTIFIED PRIVATE INSPECTOR MAKES THE  
9 INSPECTIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE  
10 PRIVATE INSPECTOR SHALL FILE A REPORT WITH THE CHIEF BOILER  
11 INSPECTOR ON THE RESULTS OF THE INSPECTION.

12           (III) IF THE REPORT OF THE PRIVATE INSPECTOR SHOWS  
13 THAT THE EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL COMPLIES  
14 WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION AND THE  
15 REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE CHIEF BOILER  
16 INSPECTOR SHALL ISSUE A CERTIFICATE TO THE OWNER OR USER OF THE  
17 EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL THAT AUTHORIZES IT  
18 TO BE USED IN AN EXHIBIT OR SHOW FOR NONCOMMERCIAL PURPOSES.

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

23           (2) A certificate inspection required under this subsection shall be:

24           (i) an internal inspection if construction allows; or

25           (ii) an inspection that is as complete as possible.

26           (3) (i) Except for model steam boilers, a power boiler or a high  
27 pressure, high temperature water boiler shall:

28                   1. receive a certificate inspection annually; and

29                   2. be externally inspected annually while under  
30 pressure, if possible.

31           (ii) The Board may extend to 2 years the interval between  
32 certificate inspections of a power boiler if:

1                   1.     the power boiler has internal continuous water  
2 treatment under the general supervision of a professional engineer who has experience  
3 in the treatment of boiler water; and

4                   2.     the owner or user of the power boiler keeps available,  
5 for examination by the Chief Boiler Inspector or by a deputy boiler inspector or special  
6 inspector, accurate records that show:

7                   A.     the date, time, and reason that the power boiler is out  
8 of service; and

9                   B.     a chemical and physical analysis of samples of the  
10 boiler water taken at regular intervals of not more than 48 hours of operation that  
11 adequately show the condition of the boiler water and any elements or characteristics  
12 of the boiler water that are capable of producing corrosion or other deterioration of the  
13 power boiler or its parts.

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

16                   (5)    (i)    Except as provided in paragraph (3) of this subsection,  
17 certificate inspections shall be conducted at time intervals set forth in regulations  
18 adopted under this subtitle and in accordance with Title 10 of the State Government  
19 Article.

20                   (ii)   The intervals shall protect public safety taking into  
21 consideration, consistent with § 12-905 of this subtitle, the design, type, age, extent of  
22 automated monitoring, fuel, and operating characteristics of the boiler or pressure  
23 vessel.

24                   (e)    If, at the discretion of the inspector, a hydrostatic test is considered  
25 necessary, the owner or user of a boiler or pressure vessel shall make the hydrostatic  
26 test.

27                   (f)    (1)    Except as provided in paragraph (2) of this subsection, at least 30  
28 days before installing a boiler or pressure vessel covered by this subtitle, the person  
29 who will perform the installation shall give the Commissioner notice of the installation  
30 in accordance with regulations adopted under this subtitle.

31                   (2)    Under emergency circumstances, the person who will perform the  
32 installation of a boiler or pressure vessel may give the Commissioner notice of the  
33 installation less than 30 days before installation in accordance with regulations  
34 adopted under this subtitle.

35                   (3)    Except for a cast-iron sectional boiler or pressure vessel, each  
36 boiler to be installed in the State shall be inspected:

1 (i) during construction or field assembly, as required by  
2 regulations adopted under this subtitle, by an inspector authorized to inspect boilers  
3 and pressure vessels in the State; or

4 (ii) if the boiler is constructed outside the State, by an inspector  
5 who holds a commission issued by the National Board of Boiler and Pressure Vessel  
6 Inspectors.

7 (g) (1) Within 24 hours after an accident or explosion, the owner or user of  
8 a boiler or pressure vessel shall give the Chief Boiler Inspector notice of the accident  
9 or explosion in accordance with regulations adopted under this subtitle.

10 (2) On notification or information, the Chief Boiler Inspector or a  
11 deputy boiler inspector shall investigate each accident or explosion that involves a  
12 boiler or pressure vessel covered by this subtitle.

13 (h) (1) The Board shall provide for public safety and therefore has  
14 jurisdiction over the interpretation and application of the inspection requirements  
15 provided in the regulations adopted under this subtitle.

16 (2) Inspection requirements of operating equipment shall:

17 (i) be in accordance with generally accepted practice; and

18 (ii) be compatible with the actual service conditions, including:

19 1. previous experience, based on records of performance  
20 and maintenance;

21 2. location, with respect to personnel hazard;

22 3. provision for related safe operation controls; and

23 4. interrelation with other operations outside the scope  
24 of this subtitle.

25 (i) The owner or user of a boiler or pressure vessel required by this subtitle  
26 to be inspected by the Chief Boiler Inspector or a deputy boiler inspector shall pay  
27 directly to the Chief Boiler Inspector, on completion of the inspection, a fee in  
28 accordance with the following schedule:

29 (1) certificate inspection:

30 (i) initial certificate inspection of a boiler or pressure vessel not  
31 previously inspected in the State..... no charge

1                   (ii) certificate inspection of a boiler or pressure vessel, other  
 2 than a pressure vessel attached to an air compressor, previously inspected in the  
 3 State ..... \$40

4                   (iii) certificate inspection of a pressure vessel, attached to an air  
 5 compressor, previously inspected in the State ..... \$10

6                   (iv) certificate inspection of an additional boiler or pressure  
 7 vessel previously inspected in the State, at the same location, on the same date..... \$10

8                   (v) follow-up inspection to determine compliance ..... \$50

9                   (2) inspection of an antique or model steam boiler or pressure  
 10 vessel..... \$15

11                   (3) investigation of an accident or complaint..... no charge

12                   (4) special inspection, such as an inspection at a fabrication or repair  
 13 facility, ASME joint review, or National Board of Inspection Code Repair Review, shall  
 14 be charged at the following rates, and shall include all expenses such as travel and  
 15 hotel costs:

16                   (i) half day (up to 4 hours)..... \$250

17                   (ii) full day (up to 8 hours)..... \$500

18                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 19 October 1, 2008.