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By: **Delegate Busch**

Introduced and read first time: February 19, 1998

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Inspections - Boiler and Pressure Vessel Safety**

3 FOR the purpose of authorizing the Board of Boiler Rules to recommend regulations  
4 regarding the operation of boilers and pressure vessels to the Commissioner of  
5 Labor and Industry; requiring certain boilers to be operated under the  
6 supervision of an individual licensed by the Board of Examining Engineers or its  
7 successor; requiring certain insurance companies to inspect the boilers and  
8 pressure vessels that they insure; requiring certain insurance companies to  
9 submit certain reports and quality assurance program information; requiring a  
10 person to pay certain fees to obtain or renew a special inspector commission;  
11 requiring owners to ensure that boilers and pressure vessels are operated,  
12 inspected, and repaired in accordance with certain standards; requiring certain  
13 repair firms to meet certain criteria and provide certain information; and  
14 generally relating to boiler and pressure vessel safety.

15 BY repealing

16 Article 48 - Inspections  
17 Section 170 and 174  
18 Annotated Code of Maryland  
19 (1994 Replacement Volume and 1997 Supplement)

20 BY adding to

21 Article 48 - Inspections  
22 Section 170, 174, 176A, 176B, and 176C  
23 Annotated Code of Maryland  
24 (1994 Replacement Volume and 1997 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article 48 - Inspections  
27 Section 177  
28 Annotated Code of Maryland  
29 (1994 Replacement Volume and 1997 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That Section(s) 170 and 174 of Article 48 - Inspections of the Annotated  
3 Code of Maryland be repealed.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
5 read as follows:

6 **Article 48 - Inspections**

7 170.

8 (A) THE BOARD SHALL FORMULATE AND SEND TO THE COMMISSIONER OF  
9 LABOR AND INDUSTRY REGULATIONS FOR THE SAFE CONSTRUCTION, USE,  
10 OPERATION, INSTALLATION, MAINTENANCE, REPAIR, AND INSPECTION OF BOILERS  
11 AND PRESSURE VESSELS IN THE STATE.

12 (B) THE REGULATIONS SHALL CONFORM AS NEARLY AS POSSIBLE TO THE  
13 FOLLOWING CODES, AS AMENDED AND INTERPRETED:

14 (1) THE BOILER AND PRESSURE VESSEL CODE OF THE AMERICAN  
15 SOCIETY OF MECHANICAL ENGINEERS;

16 (2) THE INSPECTION CODE OF THE NATIONAL BOARD OF BOILER AND  
17 PRESSURE VESSEL INSPECTORS;

18 (3) THE CODE FOR POWER PIPING, B31.1 OF THE AMERICAN SOCIETY OF  
19 MECHANICAL ENGINEERS;

20 (4) THE CODE FOR CONTROLS AND SAFETY DEVICES FOR  
21 AUTOMATICALLY FIRED BOILERS, CSD-1 OF THE AMERICAN SOCIETY OF  
22 MECHANICAL ENGINEERS;

23 (5) THE CODE FOR CONTROLS AND SAFETY DEVICES, NFPA SERIES 85 OF  
24 THE NATIONAL FIRE PROTECTION ASSOCIATION; AND

25 (6) THE CODE FOR CHEMICAL PLANT AND PETROLEUM REFINERY  
26 PIPING, B31.3 OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS.

27 (C) THE BOARD SHALL DETERMINE FEES FOR OBTAINING AND RENEWING A  
28 SPECIAL INSPECTOR COMMISSION CARD.

29 (D) REGULATIONS FORMULATED BY THE BOARD MAY BE ADOPTED BY THE  
30 COMMISSIONER OF LABOR AND INDUSTRY, SUBJECT TO THE APPROVAL OF THE  
31 SECRETARY OF LABOR, LICENSING, AND REGULATION, IN THE SAME MANNER AS  
32 REGULATIONS RECOMMENDED BY THE MARYLAND OCCUPATIONAL SAFETY AND  
33 HEALTH ADVISORY BOARD.

1 174.

2 (A) THE COMMISSIONER OF LABOR AND INDUSTRY MAY ISSUE A SPECIAL  
3 INSPECTOR COMMISSION OR A RENEWAL SPECIAL INSPECTOR COMMISSION ONLY TO  
4 AN INDIVIDUAL WHO:

5 (1) IS EMPLOYED BY A PERSON LICENSED TO INSURE BOILERS AND  
6 PRESSURE VESSELS IN THE STATE;

7 (2) (I) IS EMPLOYED FULL TIME BY A PERSON THAT OPERATES  
8 PRESSURE VESSELS IN THE STATE;

9 (II) IS RESPONSIBLE FOR INSPECTING PRESSURE VESSELS THAT  
10 ARE:

11 1. USED BY THE PERSON; AND

12 2. NOT FOR RESALE; AND

13 (III) THE PRESSURE VESSELS ARE REGULARLY INSPECTED AND  
14 RATED:

15 1. BY AN ESTABLISHED INSPECTION SERVICE;

16 2. UNDER THE SUPERVISION OF AN ENGINEER WHOSE  
17 QUALIFICATIONS ARE SATISFACTORY TO THE BOARD; AND

18 3. IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE  
19 COMMISSIONER OF LABOR AND INDUSTRY; AND

20 (3) REPRESENTS A PERSON COVERED BY A COLLECTIVE BARGAINING  
21 AGREEMENT IF THE INDIVIDUAL:

22 (I) MEETS ALL OTHER APPLICABLE REQUIREMENTS;

23 (II) IS EMPLOYED FULL TIME BY THE PERSON; AND

24 (III) IS RESPONSIBLE FOR INSPECTING PRESSURE VESSELS THAT  
25 ARE:

26 1. USED BY THE PERSON; AND

27 2. NOT FOR RESALE.

28 (B) TO RECEIVE A SPECIAL INSPECTOR COMMISSION, AN INDIVIDUAL SHALL:

29 (1) SUBMIT TO THE COMMISSIONER OF LABOR AND INDUSTRY A  
30 WRITTEN APPLICATION DETAILING THE QUALIFICATIONS OF THE INDIVIDUAL AND  
31 ANY OTHER INFORMATION REQUIRED BY THE BOARD;

1 (2) SUBMIT TO THE COMMISSIONER OF LABOR AND INDUSTRY THE FEE  
2 ESTABLISHED BY THE BOARD; AND

3 (3) (I) PASS AN EXAMINATION IN ACCORDANCE WITH SUBSECTION (D)  
4 OF THIS SECTION;

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

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

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

13 (C) (1) UNLESS THE SPECIAL INSPECTOR COMMISSION IS RENEWED FOR A  
14 2-YEAR TERM AS PROVIDED IN THIS SECTION, A SPECIAL INSPECTOR COMMISSION  
15 EXPIRES 2 YEARS AFTER THE DATE IT IS ISSUED.

16 (2) THE BOARD MAY DETERMINE THAT SPECIAL INSPECTOR  
17 COMMISSIONS ISSUED UNDER THIS TITLE EXPIRE ON A STAGGERED BASIS.

18 (D) TO RECEIVE A RENEWAL SPECIAL INSPECTOR COMMISSION, AN  
19 INDIVIDUAL SHALL SUBMIT TO THE COMMISSIONER OF LABOR AND INDUSTRY:

20 (1) THE FEE ESTABLISHED BY THE BOARD; AND

21 (2) PROOF THAT THE INDIVIDUAL HAS RECEIVED ADEQUATE TRAINING  
22 ON CURRENT BOILER AND PRESSURE VESSEL TECHNOLOGY AND INSPECTION  
23 TECHNIQUE; AND

24 (3) PROOF THAT THE INDIVIDUAL MEETS ANY OTHER REQUIREMENTS  
25 ESTABLISHED BY THE COMMISSIONER OF LABOR AND INDUSTRY.

26 (E) (1) THE EXAMINATION FOR A SPECIAL INSPECTOR COMMISSION CARD  
27 SHALL BE:

28 (I) IN WRITING;

29 (II) ADMINISTERED BY THE BOARD OR A DESIGNEE OF THE BOARD;  
30 AND

31 (III) CONFINED TO QUESTIONS THAT AID THE COMMISSIONER OF  
32 LABOR AND INDUSTRY IN DETERMINING THE FITNESS AND COMPETENCY OF THE  
33 INDIVIDUAL FOR INSPECTING BOILERS AND PRESSURE VESSELS.

34 (2) THE EXAMINATION MAY BE THE EXAMINATION PREPARED BY THE  
35 NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS.

1 (F) (1) AN INDIVIDUAL WHO APPLIES FOR A SPECIAL INSPECTOR  
2 COMMISSION AND WHO FAILS THE EXAMINATION MAY ASK THE BOARD FOR  
3 ANOTHER OPPORTUNITY TO TAKE THE EXAMINATION.

4 (2) IF THE BOARD AGREES TO GRANT A REQUEST FOR AN EXAMINATION  
5 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL GIVE THE  
6 EXAMINATION WITHIN NINETY (90) DAYS OF RECEIPT OF THE REQUEST.

7 (G) THE RESULTS OF AN EXAMINATION SHALL BE AVAILABLE TO THE  
8 INDIVIDUAL WHO TOOK THE EXAMINATION AND THE INDIVIDUAL'S EMPLOYER.

9 (H) IF AN INDIVIDUAL WHO HOLDS A SPECIAL INSPECTOR COMMISSION  
10 INSPECTS A BOILER OR PRESSURE VESSEL INSURED OR OPERATED BY THE  
11 INDIVIDUAL'S EMPLOYER, THE EMPLOYER NEED NOT PAY THE INSPECTION FEE  
12 WITH RESPECT TO THE BOILER OR PRESSURE VESSEL.

13 (I) AN INDIVIDUAL WHO HOLDS A SPECIAL INSPECTOR COMMISSION MAY  
14 NOT RECEIVE A SALARY OR REIMBURSEMENT FOR EXPENSES FROM THE STATE.

15 176A.

16 (A) THE OWNER OF A BOILER OR PRESSURE VESSEL SHALL:

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

20 (2) MAINTAIN AT A CENTRAL LOCATION AT THE FACILITY IN WHICH THE  
21 BOILER OR PRESSURE VESSEL IS LOCATED AND MAKE AVAILABLE TO AN INDIVIDUAL  
22 WHO INSPECTS THE BOILER OR PRESSURE VESSEL COPIES OF ALL INSPECTION,  
23 MAINTENANCE, AND REPAIR RECORDS.

24 (B) (1) AFTER JANUARY 1, 1999, A PERSON THAT OWNS A BOILER OR  
25 PRESSURE VESSEL LOCATED IN A SCHOOL, HOSPITAL, OR NURSING HOME SHALL  
26 ENSURE THAT THE BOILER OR PRESSURE VESSEL IS OPERATED UNDER THE  
27 DIRECTION OF AN INDIVIDUAL LICENSED BY THE BOARD OF EXAMINING ENGINEERS  
28 OR ITS SUCCESSOR.

29 (2) THE BOARD SHALL FORMULATE REGULATIONS THAT DEFINE THE  
30 EXTENT OF DIRECTION THAT MUST BE PROVIDED BY THE INDIVIDUAL LICENSED BY  
31 THE BOARD OF EXAMINING ENGINEERS OR ITS SUCCESSOR.

32 176B.

33 (A) A PERSON THAT IS LICENSED TO INSURE BOILERS AND PRESSURE  
34 VESSELS IN THE STATE SHALL:

35 (1) CONDUCT THE CERTIFICATE INSPECTION OF EACH COVERED  
36 BOILER AND PRESSURE VESSEL THAT THE PERSON INSURES IN ACCORDANCE WITH  
37 THIS TITLE AND REGULATIONS ADOPTED UNDER THIS TITLE; AND

1 (2) SUBMIT INFORMATION REGARDING THE COMPANY'S QUALITY  
2 ASSURANCE PROGRAM TO THE COMMISSIONER OF LABOR AND INDUSTRY AS  
3 REQUIRED BY REGULATION.

4 (B) IF MORE THAN ONE PERSON INSURES A BOILER OR PRESSURE VESSEL OR  
5 IF AN OWNER-USER EMPLOYS AN INDIVIDUAL WITH A SPECIAL INSPECTOR  
6 COMMISSION, THE PERSONS OR THE OWNER-USER:

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

9 (2) SHALL DOCUMENT ANY AGREEMENT TO ENSURE THAT  
10 RESPONSIBILITY FOR INSPECTIONS IS CLEARLY DEFINED.

11 176C.

12 (A) A PERSON THAT REPAIRS A BOILER OR PRESSURE VESSEL SHALL:

13 (1) PROVIDE NOTICE TO, AND RECEIVE APPROVAL FROM, AN INSPECTOR  
14 PRIOR TO COMMENCING A REPAIR THAT:

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

17 (II) INVOLVES FUSION WELDING;

18 (2) REPAIR A BOILER OR PRESSURE VESSEL IN ACCORDANCE WITH THE  
19 REGULATIONS ADOPTED BY THE COMMISSIONER OF LABOR AND INDUSTRY; AND

20 (3) PROVIDE REPORTS, AS REQUIRED BY REGULATION, TO THE CHIEF  
21 BOILER INSPECTOR AND THE PERSON THAT OWNS THE BOILER OR PRESSURE  
22 VESSEL.

23 177.

24 (a) (1) THIS SUBSECTION DOES NOT APPLY TO AN OWNER-USER  
25 INSPECTION.

26 (2) EACH PERSON THAT EMPLOYS AN INDIVIDUAL WITH A SPECIAL  
27 INSPECTOR COMMISSION CARD TO INSPECT A BOILER OR PRESSURE VESSEL SHALL:

28 (I) WITHIN 30 DAYS AFTER THE INSPECTION, FILE A REPORT IN  
29 THE FORMAT REQUIRED BY THE COMMISSIONER OF LABOR AND INDUSTRY ON EACH  
30 CERTIFICATE INSPECTION AND EACH EXTERNAL INSPECTION REQUIRED BY STATE  
31 LAW; AND

32 (II) IF AN INSPECTION REVEALS A HAZARDOUS CONDITION  
33 AFFECTING THE SAFETY OF A BOILER OR PRESSURE VESSEL, NOTIFY THE CHIEF  
34 BOILER INSPECTOR WITHIN 24 HOURS AFTER THE INSPECTION.

1 [Each company employing such special inspectors except a company operating  
 2 pressure vessels covered by owner or user inspection service meeting the  
 3 requirements of this subtitle shall, within thirty (30) days following each certificate  
 4 inspection made by such inspectors, file a report of such inspection with the Chief  
 5 Boiler Inspector upon appropriate forms as promulgated by the National Board of  
 6 Boiler and Pressure Vessel Inspectors. The filing of reports of external inspections  
 7 shall not be required except when such inspections disclose that the boiler is in a  
 8 dangerous condition.]

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

24	For statements covering not more than 25 vessels .....	\$5.00 per vessel;
25	For statements covering more than 25 but less than 101 vessels.....	\$125.00;
26	For statements covering more than 100 but less than 501 vessels.....	\$250.00;
27	For statements covering more than 500 vessels .....	\$325.00.

28 (c) If the report filed pursuant to subsection (a) of this section shows that a  
 29 boiler or pressure vessel complies with the rules and regulations of the Board, the  
 30 Chief Boiler Inspector shall issue to the owner or user an inspection certificate  
 31 bearing the date of inspection and specifying the maximum pressure under which the  
 32 boiler or pressure vessel may be operated. The inspection certificate shall be valid for  
 33 not more than 14 months from its date in the case of power boilers and high pressure,  
 34 high temperature water boilers and 26 months in the case of low pressure steam or  
 35 vapor heating boilers, hot water heating boilers or hot water supply boilers and  
 36 pressure vessels, except that, when the Board has granted an extension of the period  
 37 between certificate inspections as permitted by this subtitle, the certificate shall be  
 38 valid for a grace period of two months beyond the expiration date of the current  
 39 certificate. Certificates shall be posted under glass in the room containing the boiler  
 40 or pressure vessel inspected. If the boiler or pressure vessel is not located within the  
 41 building, the certificate shall be posted in a location convenient to the boiler or  
 42 pressure vessel inspected or in any place where it will be accessible to interested  
 43 parties.

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

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 June 1, 1998.