

HOUSE BILL 148

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HB 1316/98 - ECM

2001 Regular Session  
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By: **Chairman, Economic Matters Committee (Departmental - Labor,  
Licensing and Regulation)**

Introduced and read first time: January 17, 2001

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of authorizing the Commissioner of Labor and Industry to issue and  
5    renew special inspection commissions; authorizing the Board of Boiler Rules to  
6    formulate certain regulations; ~~requiring the Commissioner to set certain~~  
7    ~~reasonable fees~~; specifying the requirements that certain individuals and  
8    certain companies must satisfy in order to be issued a special inspector  
9    commission; specifying the procedures for renewing a special inspector  
10   commission; requiring certain procedures to be followed for the inspection and  
11   installation of boilers and pressure vessels; requiring certain persons to provide  
12   notice of an accident or explosion of a boiler or pressure vessel; authorizing  
13   certain inspectors to prohibit the use of a boiler or pressure vessel under certain  
14   circumstances; requiring certain inspectors to provide certain notice to an owner  
15   or owner's agent; authorizing the Commissioner to assess certain penalties;  
16   requiring the owner of a boiler or pressure vessel to perform certain duties;  
17   requiring a company licensed to insure and insuring boiler or pressure vessels to  
18   perform certain duties; requiring a person that repairs or alters a boiler or  
19   pressure vessel to perform certain duties; ~~repealing~~ amending certain fee  
20   schedules ~~and~~; establishing certain fee schedules; ~~repealing certain~~ surety bond  
21   requirements; and generally relating to the regulation of boilers and pressure  
22   vessels.

23 BY repealing and reenacting, with amendments,  
24   Article 48 - Inspections  
25   Section 170, 172(b)(4), 174, 176(b)(7) and (8), (c), (e), and (f), 177, and 178  
26   Annotated Code of Maryland

1 (1998 Replacement Volume and 2000 Supplement)

2 BY adding to

3 Article 48 - Inspections

4 Section 176A, 176B, 176C, and 176D

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 2000 Supplement)

7 BY repealing

8 Article 48 - Inspections

9 Section 179

10 Annotated Code of Maryland

11 (1998 Replacement Volume and 2000 Supplement)

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

14 **Article 48 - Inspections**

15 170.

16 The Board shall formulate definitions, rules and regulations for the safe  
17 construction, use, installation, maintenance, repair and inspection of boilers and  
18 pressure vessels in this State. The rules and regulations so formulated shall conform  
19 as nearly as possible to the REQUIREMENTS OF THIS SUBTITLE, Boiler and Pressure  
20 Vessel Code of the American Society of Mechanical Engineers, the Inspection Code of  
21 the National Board of Boiler and Pressure Vessel Inspectors, Code for Power Piping,  
22 B31.1 of the American Society of Mechanical Engineers, Code for Controls and Safety  
23 Devices for Automatically Fired Boilers, CSD-1 of the American Society of  
24 Mechanical Engineers, Code for Controls and Safety Devices, NFPA Series 85 of the  
25 National Fire Protection Association, and Code for Chemical Plant and Petroleum  
26 Refinery Piping, B31.3 of the American Society of Mechanical Engineers, as amended  
27 and interpreted from time to time. Rules and regulations formulated by the Board  
28 may be adopted and promulgated by the Commissioner of Labor and Industry subject  
29 to the approval of the Secretary of Labor, Licensing, and Regulation in the same  
30 manner as rules and regulations of the Occupational Health and Safety Advisory  
31 Board. Within 90 days after adoption of the Maryland Building Rehabilitation Code  
32 and any subsequent revisions to the Maryland Building Rehabilitation Code by the  
33 Department of Housing and Community Development under Article 83B, § 6-503 of  
34 the Code, the Board and the Commissioner shall submit proposed regulations to  
35 amend the definitions, rules, and regulations to be consistent with the Maryland  
36 Building Rehabilitation Code.

37 172.

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

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

7 174.

8       (a)       Upon the request of any company licensed to insure and insuring boilers  
9 and pressure vessels in this State or, upon the request of any company operating  
10 pressure vessels in this State which are regularly inspected and rated by an  
11 established inspection service under the supervision of one or more engineers whose  
12 qualifications are satisfactory to the Board and in accordance with the rules and  
13 regulations adopted by the Board, the Commissioner of Labor and Industry [shall]  
14 MAY issue [commissions to any inspectors of said company as special inspectors,]  
15 SPECIAL INSPECTOR COMMISSIONS TO AN INDIVIDUAL EMPLOYED BY THE COMPANY  
16 WHO SHALL SERVE AS THE COMPANY'S SPECIAL INSPECTOR PROVIDED THAT THE  
17 COMPANY AND THE INDIVIDUAL SATISFY THE REQUIREMENTS OF THIS SECTION  
18 [provided that each such inspector before receiving his commission shall  
19 satisfactorily pass the examination provided for in subsection (b) of this section, or, in  
20 lieu of such examination, shall hold a commission or a certificate of competency as an  
21 inspector of boilers and pressure vessels for a state that has a standard of  
22 examination substantially equal to that of the State of Maryland or a commission as  
23 an inspector of boilers and pressure vessels issued by the National Board of Boiler  
24 and Pressure Vessel Inspectors]. A [commission as a special inspector] SPECIAL  
25 INSPECTOR COMMISSION shall be issued to an [inspector] INDIVIDUAL of a company  
26 operating pressure vessels in this State and representatives of employee  
27 organizations covered by a collective bargaining agreement only if, in addition to  
28 meeting the requirements stated [herein] ~~IN THIS SECTION~~ SUBTITLE, the  
29 [inspector] INDIVIDUAL is employed full time by the company and is responsible for  
30 making inspections of pressure vessels used, or to be used, by such company, and  
31 which are not for resale. [No special inspectors shall] SPECIAL INSPECTORS MAY NOT  
32 receive salary from[, nor shall] OR HAVE any of their expenses [be] paid by[, the  
33 State [, and the]. THE continuance of a special inspector's commission shall be  
34 conditioned upon [his] THE SPECIAL INSPECTOR continuing in the employ of the  
35 boiler insurance company duly authorized as aforesaid, or upon continuing in the  
36 employ of the company operating pressure vessels in this State and upon [his] THE  
37 SPECIAL INSPECTOR'S maintenance of the standards imposed by this subtitle. When  
38 [such] special inspectors inspect boilers and pressure vessels insured or all pressure  
39 vessels operated by their respective companies, [such] THE inspection shall exempt  
40 the owners and users of such boilers and pressure vessels from the payment to the  
41 State of the inspection fees provided for in this subtitle with respect to each boiler and  
42 pressure vessel so inspected.

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

1 (I) PAY A FEE ~~SET BY THE COMMISSIONER~~ AS PROVIDED FOR IN §  
2 178 OF THIS SUBTITLE; AND

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

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

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

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

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

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

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

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

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

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

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

1                                   1.       REMAINS IN THE EMPLOYMENT OF THE COMPANY; AND  
2                                   2.       HAS BEEN TRAINED ON CURRENT BOILER AND PRESSURE  
3 VESSEL TECHNOLOGY IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE  
4 COMMISSIONER UNDER THIS SUBTITLE.

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

8 176.

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

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

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

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

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

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

38               (II)       DUE TO EMERGENCY CIRCUMSTANCES, A PERSON  
39 PERFORMING THE INSTALLATION MAY PROVIDE THE COMMISSIONER WITH LESS

1 THAN 30 DAYS NOTICE OF THE INSTALLATION IN ACCORDANCE WITH REGULATIONS  
2 ADOPTED BY THE COMMISSIONER.

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

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

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

19 176A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 176B.

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

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

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

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

7 176C.

8 (A) A COMPANY LICENSED TO INSURE AND INSURING BOILERS OR PRESSURE  
9 VESSELS IN THE STATE SHALL:

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

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

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

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

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

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

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

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

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



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

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

5 176D.

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

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

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

12 (II) INVOLVES FUSION WELDING;

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

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

18 177.

19 (a) [Each company employing such special inspectors except a company  
20 operating pressure vessels covered by owner or user inspection service meeting the  
21 requirements of this subtitle shall, within thirty (30) days following each certificate  
22 inspection made by such inspectors, file a report of such inspection with the Chief  
23 Boiler Inspector upon appropriate forms as promulgated by the National Board of  
24 Boiler and Pressure Vessel Inspectors. The filing of reports of external inspections  
25 shall not be required except when such inspections disclose that the boiler is in a  
26 dangerous condition.] EXCEPT FOR A COMPANY OPERATING PRESSURE VESSELS  
27 COVERED BY AN OWNER-USER INSPECTION SERVICE MEETING THE REQUIREMENTS  
28 OF THIS SUBTITLE, EACH COMPANY EMPLOYING A SPECIAL INSPECTOR SHALL:

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

32 (I) ALL CERTIFICATE INSPECTIONS; AND

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

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

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

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

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

27       (c)     If the report filed pursuant to subsection (a) of this section shows that a  
28 boiler or pressure vessel complies with the rules and regulations of the Board, the  
29 Chief Boiler Inspector shall issue to the owner or user an inspection certificate  
30 bearing the date of inspection and specifying the maximum pressure under which the  
31 boiler or pressure vessel may be operated. The inspection certificate shall be valid for  
32 not more than [14]12 months from its date in the case of power boilers and high  
33 pressure, high temperature water boilers and [26] 24 months in the case of low  
34 pressure steam or vapor heating boilers, hot water heating boilers or hot water supply  
35 boilers and pressure vessels, except ~~that~~, when the Board has granted an extension of  
36 the period between certificate inspections as permitted by this subtitle, ~~the certificate~~  
37 ~~shall be valid for a grace period of two months beyond the expiration date of the~~  
38 ~~current certificate~~. Certificates shall be posted under glass in the room containing the  
39 boiler or pressure vessel inspected. If the boiler or pressure vessel is not located  
40 within the building, the certificate shall be posted in a location convenient to the  
41 boiler or pressure vessel inspected or in any place where it will be accessible to  
42 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

1 (ii) Full day (up to ~~7~~ 8 hours) ~~\$250.00~~ \$500.00.

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

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

10 (B) SPECIAL INSPECTOR COMMISSION FEES SHALL BE PAID IN ACCORDANCE  
11 WITH THE FOLLOWING SECHEDULE:

12 (1) COMPETENCY EXAM OR REEXAM ..... \$50.00

13 (2) SPECIAL INSPECTOR COMMISSION ..... \$50.00

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

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

18 [179.

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

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