

SENATE BILL 61

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HB 1316/98 - ECM

2001 Regular Session
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(PRE-FILED)

By: **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Labor, Licensing and Regulation)

Requested: October 26, 2000

Introduced and read first time: January 10, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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 certain fee schedules and
20 surety bond requirements; and generally relating to the regulation of boilers and
21 pressure vessels.

22 BY repealing and reenacting, with amendments,
23 Article 48 - Inspections
24 Section 170, 172(b)(4), 174, 176(b)(7) and (8), (c), (e), and (f), 177, and 178
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 2000 Supplement)

27 BY adding to
28 Article 48 - Inspections
29 Section 176A, 176B, 176C, and 176D
30 Annotated Code of Maryland

1 (1998 Replacement Volume and 2000 Supplement)

2 BY repealing

3 Article 48 - Inspections

4 Section 179

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 2000 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 48 - Inspections**

10 170.

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

32 172.

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

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

1 174.

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

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

40 (I) PAY A FEE SET BY THE COMMISSIONER; AND

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

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

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

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

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

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

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

24 (D) (1) A SPECIAL INSPECTOR COMMISSION EXPIRES 2 YEARS FROM THE
25 DATE THAT IT IS ISSUED UNLESS THE COMMISSION IS RENEWED FOR AN
26 ADDITIONAL TERM AS PROVIDED IN THIS SUBSECTION.

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

29 (I) PAYS A RENEWAL FEE SET BY THE COMMISSIONER; AND

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

32 1. REMAINS IN THE EMPLOYMENT OF THE COMPANY; AND

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

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

1 176.

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

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

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

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

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

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

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

35 (2) All boilers, other than cast-iron sectional boilers and pressure
36 vessels, to be installed in this State after the [twelve-month] 12-MONTH period from
37 the date upon which the rules and regulations of the Board shall become effective
38 shall be inspected during construction or field assembly as required by the applicable
39 rules and regulations of the Board by an inspector authorized to inspect boilers and
40 pressure vessels in this State or, if constructed outside the State, by an inspector
41 holding [a commission as an inspector of boilers and pressure vessels for a state that

1 has a standard of examination substantially equal to that of this State or] a
2 commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

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

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

10 176A.

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

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

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

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

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

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

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

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

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

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

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

7 (E) IF THE OWNER OR USER OF A BOILER OR PRESSURE VESSEL CONTINUES
8 TO OPERATE A BOILER OR PRESSURE VESSEL FOLLOWING THE ISSUANCE OF A
9 NOTICE UNDER SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER MAY ASSESS
10 A CIVIL PENALTY AGAINST THE OWNER OR USER IN THE AMOUNT OF \$1,000 PER DAY
11 FOR EACH UNIT.

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

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

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

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

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

26 176B.

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

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

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

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

1 176C.

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

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

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

9 (3) (I) DEVELOP AND MAINTAIN A DATABASE OF ALL BOILERS AND
10 PRESSURE VESSELS THAT THE COMPANY INSURES IN THE STATE AND TRACK THE
11 DATES THEIR CERTIFICATE INSPECTIONS ARE DUE TO ENSURE THAT THE
12 CERTIFICATE INSPECTIONS ARE DUE AND COMPLETED AS REQUIRED UNDER THIS
13 SUBTITLE;

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

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

19 (4) (I) DEVELOP AND MAINTAIN A QUALITY ASSURANCE PROGRAM IN
20 ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE;

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

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

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

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

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

1 176D.

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

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

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

8 (II) INVOLVES FUSION WELDING;

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

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

14 177.

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

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

28 (I) ALL CERTIFICATE INSPECTIONS; AND

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

32 (2) PAY A REPORT FILING FEE SET BY THE COMMISSIONER; AND

33 (3) WITHIN 24 HOURS OF AN INSPECTION, NOTIFY THE CHIEF BOILER
34 INSPECTOR WHEN AN INSPECTION REVEALS A HAZARDOUS CONDITION AFFECTING
35 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,

1 in [his] THEIR opinion, the boiler or pressure vessel for which it was issued cannot be
2 operated without menace to the public safety or when the boiler or pressure vessel is
3 found not to comply with the rules and regulations herein provided. Each suspension
4 of an inspection certificate shall continue in effect until such boiler or pressure vessel
5 shall have been made to conform to the rules and regulations of the Board and until
6 such inspection certificate shall have been reinstated.

7 178.

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

12 (1) Certificate inspection:

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

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

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

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

22 (v) Follow-up inspection to determine in compliance..... no charge

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

24 (3) Investigation of accident or complaint no charge

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

28 (i) Half day (up to 4 hours)..... \$125.00

29 (ii) Full day (up to 7.1 hours) \$250.00.]

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

33 (2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS TO
34 APPROXIMATE THE COST OF MAINTAINING THE SPECIAL INSPECTOR COMMISSION
35 PROGRAM ESTABLISHED UNDER § 172 OF THIS SUBTITLE AND FOR THE COSTS

1 ASSOCIATED WITH INSPECTING BOILERS AND PRESSURE VESSELS AND ISSUING
2 INSPECTION CERTIFICATES.

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

5 [179.

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

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