

SENATE BILL 61

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(PRE-FILED)

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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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 31, 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

1 Annotated Code of Maryland  
2 (1998 Replacement Volume and 2000 Supplement)

3 BY adding to  
4 Article 48 - Inspections  
5 Section 176A, 176B, 176C, and 176D  
6 Annotated Code of Maryland  
7 (1998 Replacement Volume and 2000 Supplement)

8 BY repealing  
9 Article 48 - Inspections  
10 Section 179  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 2000 Supplement)

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

15 **Article 48 - Inspections**

16 170.

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

1 172.

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

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

10 174.

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

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

4 (I) PAY A FEE ~~SET BY THE COMMISSIONER~~ AS PROVIDED FOR IN §  
5 178 OF THIS SUBTITLE; AND

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

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

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

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

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

21 2. PASS THE SEGMENT OF THE MARYLAND EXAMINATION  
22 THAT DIFFERS FROM THE NATIONAL EXAMINATION.

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

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

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

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

3 (II) SUBMITS EVIDENCE TO THE COMMISSIONER THAT THE  
4 SPECIAL INSPECTOR:

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

6 2. HAS BEEN TRAINED ON CURRENT BOILER AND PRESSURE  
7 VESSEL TECHNOLOGY IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE  
8 COMMISSIONER UNDER THIS SUBTITLE.

9 (E) WITHIN 30 DAYS OF THE TERMINATION OF THE EMPLOYMENT OF A  
10 SPECIAL INSPECTOR, THE COMPANY SHALL RETURN THE SPECIAL INSPECTOR  
11 COMMISSION TO THE CHIEF BOILER INSPECTOR.

12 176.

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

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

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

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

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

37 (e) (1) (I) [At] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
38 PARAGRAPH, AT least 30 days [after] BEFORE installing a boiler or pressure vessel  
39 covered by this subtitle, the person performing the installation shall provide the

1 Commissioner with notice of the installation in accordance with regulations adopted  
2 by the Commissioner.

3 (II) DUE TO EMERGENCY CIRCUMSTANCES, A PERSON  
4 PERFORMING THE INSTALLATION MAY PROVIDE THE COMMISSIONER WITH LESS  
5 THAN 30 DAYS NOTICE OF THE INSTALLATION IN ACCORDANCE WITH REGULATIONS  
6 ADOPTED BY THE COMMISSIONER.

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

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

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

23 176A.

24 (A) UPON INSPECTION, THE CHIEF BOILER INSPECTOR OR AN AUTHORIZED  
25 DEPUTY BOILER INSPECTOR MAY PROHIBIT THE USE OF A BOILER OR PRESSURE  
26 VESSEL IF THE CHIEF BOILER INSPECTOR OR AUTHORIZED DEPUTY BOILER  
27 INSPECTOR DETERMINES THAT:

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

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

34 (B) (1) TO PROHIBIT THE USE OF A BOILER OR PRESSURE VESSEL, THE  
35 CHIEF BOILER INSPECTOR OR AN AUTHORIZED DEPUTY BOILER INSPECTOR SHALL  
36 GIVE THE OWNER OR THE OWNER'S AGENT NOTICE THAT USE OF THE BOILER OR  
37 PRESSURE VESSEL IS PROHIBITED.

38 (2) THE NOTICE SHALL DESCRIBE, IN DETAIL, THE NATURE OF THE  
39 ALLEGED VIOLATION OR VIOLATIONS, THE REASONS FOR THE PROHIBITION FROM  
40 USE, THE PENALTY PROVISIONS DESCRIBED IN THIS SUBTITLE, AND WHERE

1 APPROPRIATE, RECOMMENDATIONS ON HOW TO CORRECT THE VIOLATIONS  
2 CONTAINED IN THE NOTICE.

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

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

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

9 (I) EACH VIOLATION DESCRIBED IN THE NOTICE HAS BEEN  
10 CORRECTED; AND

11 (II) THE THREAT OF DEATH, SERIOUS PHYSICAL HARM, OR  
12 SERIOUS DAMAGE TO PROPERTY RESULTING FROM THE VIOLATION OR VIOLATIONS  
13 HAS BEEN ELIMINATED.

14 (D) USE OF A BOILER OR PRESSURE VESSEL IS PROHIBITED WHILE A NOTICE  
15 UNDER SUBSECTION (B) OF THIS SECTION IS POSTED ON THE BOILER OR PRESSURE  
16 VESSEL.

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

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

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

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

32 (I) THE COURT GIVES THE COMMISSIONER NOTICE AND AN  
33 OPPORTUNITY FOR A HEARING; AND

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

1 176B.

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

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

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

9 (3) MAKE INSPECTION, MAINTENANCE, AND REPAIR RECORDS  
10 AVAILABLE TO THE INSPECTOR CHARGED WITH INSPECTING THE BOILER OR  
11 PRESSURE VESSEL.

12 176C.

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

15 (1) CONDUCT THE CERTIFICATE INSPECTION FOR EACH COVERED  
16 BOILER AND PRESSURE VESSEL THAT THE COMPANY INSURES BY THE DATE THE  
17 INSPECTION IS DUE;

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

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

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

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

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

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



1                   (III)    ~~IF THE QUALITY ASSURANCE PROGRAM IS MODIFIED, SUBMIT~~  
2 ~~AN UPDATED COPY OF THE QUALITY ASSURANCE PROGRAM TO THE CHIEF BOILER~~  
3 ~~INSPECTOR WITHIN 60 DAYS OF THE CHANGES BEING MADE.~~

4           (B)       IF MORE THAN ONE INSURANCE COMPANY PROVIDES INSURANCE FOR A  
5 BOILER OR PRESSURE VESSEL OR IF AN OWNER-USER EMPLOYS AN INDIVIDUAL  
6 WITH A SPECIAL INSPECTOR COMMISSION, THE INSURANCE COMPANIES OR  
7 OWNER-USER:

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

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

12 176D.

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

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

17                           (I)       AFFECTS THE WORKING PRESSURE OR SAFETY OF A BOILER OR  
18 PRESSURE VESSEL; OR

19                           (II)       INVOLVES FUSION WELDING;

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

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

25 177.

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

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

4 (I) ALL CERTIFICATE INSPECTIONS; AND

5 (II) ANY OTHER INSPECTION FOR WHICH REPORTS ARE REQUIRED  
6 TO BE SUBMITTED AS PROVIDED FOR BY REGULATIONS ADOPTED UNDER THIS  
7 SUBTITLE;

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

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

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

30 For statements covering not more than 25 vessels ..... \$5.00 per vessel;

31 For statements covering more than 25 but less than 101 vessels..... \$125.00;

32 For statements covering more than 100 but less than 501 vessels ..... \$250.00;

33 For statements covering more than 500 vessels ..... \$325.00}.

34 (c) If the report filed pursuant to subsection (a) of this section shows that a  
35 boiler or pressure vessel complies with the rules and regulations of the Board, the  
36 Chief Boiler Inspector shall issue to the owner or user an inspection certificate  
37 bearing the date of inspection and specifying the maximum pressure under which the  
38 boiler or pressure vessel may be operated. The inspection certificate shall be valid for  
39 not more than [14]12 months from its date in the case of power boilers and high  
40 pressure, high temperature water boilers and [26] 24 months in the case of low

1 pressure steam or vapor heating boilers, hot water heating boilers or hot water supply  
 2 boilers and pressure vessels, except that, when the Board has granted an extension of  
 3 the period between certificate inspections as permitted by this subtitle, ~~the certificate~~  
 4 ~~shall be valid for a grace period of two months beyond the expiration date of the~~  
 5 ~~current certificate.~~ Certificates shall be posted under glass in the room containing the  
 6 boiler or pressure vessel inspected. If the boiler or pressure vessel is not located  
 7 within the building, the certificate shall be posted in a location convenient to the  
 8 boiler or pressure vessel inspected or in any place where it will be accessible to  
 9 interested parties.

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

14 (e) The Chief Boiler Inspector or [his] AN authorized [representative]  
 15 DEPUTY BOILER INSPECTOR may at any time suspend an inspection certificate when,  
 16 in [his] THEIR opinion, the boiler or pressure vessel for which it was issued cannot be  
 17 operated without menace to the public safety or when the boiler or pressure vessel is  
 18 found not to comply with the rules and regulations herein provided. Each suspension  
 19 of an inspection certificate shall continue in effect until such boiler or pressure vessel  
 20 shall have been made to conform to the rules and regulations of the Board and until  
 21 such inspection certificate shall have been reinstated.

22 178.

23 (a) {The owner or user of a boiler or pressure vessel required by this subtitle  
 24 to be inspected by the Chief Boiler Inspector, or his deputy boiler inspectors, pays  
 25 directly to the Chief Boiler Inspector, upon completion of inspection, fees in  
 26 accordance with the following schedule:

27 (1) Certificate inspection:

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

30 (ii) Certificate inspection of a boiler or pressure vessel, other than a  
 31 pressure vessel attached to an air compressor, previously registered in  
 32 Maryland ..... \$40.00

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

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

37 (v) Follow-up inspection to determine ~~in~~  
 38 compliance..... ~~no charge~~ \$50.00

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

1 (3) Investigation of accident or complaint ..... no charge

2 (4) Special inspections, such as inspection at fabrication or repair  
3 facility, ASME joint review, or National Board of ~~Boiler Rules Audit~~ INSPECTION  
4 CODE REPAIR REVIEW shall be charged at the following rate, and all expenses such as  
5 travel and hotel costs:

6 (i) Half day (up to 4 hours)..... ~~\$125.00~~ \$250.00

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

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

11 ~~(2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS TO~~  
12 ~~APPROXIMATE THE COST OF MAINTAINING THE SPECIAL INSPECTOR COMMISSION~~  
13 ~~PROGRAM ESTABLISHED UNDER § 172 OF THIS SUBTITLE AND FOR THE COSTS~~  
14 ~~ASSOCIATED WITH INSPECTING BOILERS AND PRESSURE VESSELS AND ISSUING~~  
15 ~~INSPECTION CERTIFICATES~~

16 (B) SPECIAL INSPECTOR COMMISSION FEES SHALL BE PAID IN ACCORDANCE  
17 WITH THE FOLLOWING SCHEDULE:

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

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

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

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

24 [179.

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

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