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By: **Delegate Trueschler**

Introduced and read first time: February 13, 2004

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a certain exception to a certain requirement that the  
4 proposed budget of the Division of Labor and Industry include an appropriation  
5 from the Workers' Compensation Commission to cover a certain cost;  
6 establishing a Safety Inspection Fund, to be administered by the Commissioner  
7 of Labor and Industry, to provide for a portion of the cost of administering  
8 inspections of elevators, boilers, and pressure vessels; requiring certain fees to  
9 be paid into the Fund; altering certain fees for certain elevator inspections;  
10 requiring the Commissioner of Labor and Industry to send notice of a required  
11 inspection of an elevator unit in a certain manner; authorizing the  
12 Commissioner to take certain actions if an inspection certification form for an  
13 elevator unit is not received by certain dates; authorizing a certain elevator  
14 inspection to be conducted by a certain elevator contractor or elevator mechanic;  
15 requiring an elevator contractor or elevator mechanic who conducts a certain  
16 elevator inspection to take certain actions; requiring the Elevator Safety Review  
17 Board to develop a certain inspection certification form; altering certain fees for  
18 certain boiler and pressure vessel inspections; requiring the Commissioner to  
19 send notice of a required inspection of a boiler or pressure vessel in a certain  
20 manner; authorizing the Commissioner to take certain actions if an inspection  
21 certification form for a boiler or pressure vessel is not received by certain dates;  
22 and generally relating to inspections of elevators, boilers, and pressure vessels  
23 and fees related to the inspection of elevators, boilers, and pressure vessels.

24 BY adding to

25 Article - Labor and Employment

26 Section 2-107.1

27 Annotated Code of Maryland

28 (1999 Replacement Volume and 2003 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article - Labor and Employment

31 Section 5-204(a)

32 Annotated Code of Maryland

1 (1999 Replacement Volume and 2003 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article - Public Safety

4 Section 12-801(a), (b), (c), (d), (g), and (h) and 12-901(a), (b), and (e)

5 Annotated Code of Maryland

6 (2003 Volume)

7 BY repealing and reenacting, with amendments,

8 Article - Public Safety

9 Section 12-805, 12-809, 12-810, 12-811, 12-812, 12-813, 12-814, 12-823,

10 12-824, 12-906, and 12-909

11 Annotated Code of Maryland

12 (2003 Volume)

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

15 **Article - Labor and Employment**

16 2-107.1.

17 (A) IN THIS SECTION, "FUND" MEANS THE SAFETY INSPECTION FUND.

18 (B) THERE IS A SAFETY INSPECTION FUND.

19 (C) THE PURPOSE OF THE FUND IS TO PROVIDE FOR THE COST OF  
20 ADMINISTERING TITLE 12, SUBTITLE 8 (ELEVATOR SAFETY) AND SUBTITLE 9 (BOILER  
21 AND PRESSURE VESSEL SAFETY ACT) OF THE PUBLIC SAFETY ARTICLE.

22 (D) THE COMMISSIONER SHALL ADMINISTER THE FUND.

23 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
24 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
26 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

27 (F) THE FUND CONSISTS OF:

28 (1) REVENUE DISTRIBUTED TO THE FUND UNDER TITLE 12, SUBTITLE 8  
29 AND SUBTITLE 9 OF THE PUBLIC SAFETY ARTICLE;

30 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

31 (3) INVESTMENT EARNINGS OF THE FUND; AND

32 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
33 BENEFIT OF THE FUND.

1 (G) THE FUND MAY BE USED ONLY FOR THE COSTS OF ADMINISTERING TITLE  
2 12, SUBTITLE 8, PART II AND SUBTITLE 9 OF THE PUBLIC SAFETY ARTICLE.

3 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
4 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

5 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO  
6 THE FUND.

7 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
8 WITH THE STATE BUDGET.

9 5-204.

10 (a) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
11 SUBSECTION, THE proposed budget of the Division of Labor and Industry shall  
12 include an appropriation from the Workers' Compensation Commission to cover the  
13 cost of administering this title.

14 (2) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
15 SUBSECTION, THE Workers' Compensation Commission shall pay the cost of  
16 administering this title from money that the Commission receives under § 9-316 of  
17 this article.

18 (3) THE COST OF ADMINISTERING TITLE 12, SUBTITLE 8 AND SUBTITLE 9  
19 OF THE PUBLIC SAFETY ARTICLE SHALL BE COVERED IN PART BY THE SAFETY  
20 INSPECTION FUND ESTABLISHED UNDER § 2-107.1 OF THIS ARTICLE.

21 **Article - Public Safety**

22 12-801.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) "Board" means the Elevator Safety Review Board.

25 (c) "Certificate" means a certificate of registration and inspection issued by  
26 the Commissioner to operate an elevator unit.

27 (d) "Commissioner" means the Commissioner of Labor and Industry or an  
28 authorized representative of the Commissioner of Labor and Industry.

29 (g) "Elevator contractor" means a person who is engaged in the business of  
30 erecting, constructing, wiring, altering, replacing, maintaining, repairing,  
31 dismantling, or servicing elevator units.

32 (h) "Elevator mechanic" means a person who is engaged in erecting,  
33 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or  
34 servicing elevator units.

1 12-805.

2 (a) The Commissioner shall administer and enforce Part II of this subtitle.

3 (b) (1) The Commissioner shall adopt regulations that conform generally to  
4 the American National Standard/American Society of Mechanical Engineers Safety  
5 Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code  
6 A17.1-1971, and all subsequent amendments and revisions to it.

7 (2) If necessary to fulfill the Commissioner's responsibilities under Part  
8 II of this subtitle, the Commissioner shall:

9 (i) adopt regulations that amend standards set forth in the  
10 American National Standard/American Society of Mechanical Engineers Safety Code  
11 for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971,  
12 and all subsequent amendments and revisions to it; and

13 (ii) adopt other regulations.

14 (3) The regulations shall be consistent with the requirements of §  
15 12-1006 of this title.

16 (c) The Commissioner may assign duties and functions imposed by Part II of  
17 this subtitle to the chief elevator inspector.

18 (d) The cost of administering Part II of this subtitle is provided for under [§  
19 5-204] § 2-107.1 of the Labor and Employment Article.

20 12-809.

21 (a) Each inspection required by Part II of this subtitle shall be done by [a  
22 State] AN inspector AS PROVIDED IN PART II OF THIS SUBTITLE.

23 (b) (1) [The] IF APPLICABLE, THE contractor, owner, or lessee of an elevator  
24 unit shall pay a fee for an inspection under § 12-810(d) or § 12-812(d)(3) of this  
25 subtitle at the following rate:

26 [(i) half day (up to 4 hours), not to exceed \$250

27 (ii) full day (up to 8 hours), not to exceed \$500]

28 (I) FINAL ACCEPTANCE INSPECTION -- \$500

29 (II) FOLLOW-UP INSPECTION -- \$100 PER VISIT, UP TO A  
30 MAXIMUM OF \$200

31 (III) SPOT INSPECTION -- NO CHARGE

32 (IV) INCIDENT INSPECTION -- \$100 PER HOUR, UP TO A  
33 MAXIMUM OF \$800

- 1 (V) ISSUANCE OF ANNUAL INSPECTION CERTIFICATE -- \$10
- 2 (VI) LATE FEE -- \$25
- 3 (VII) POSTING FEE -- \$75
- 4 (VIII) FEE TO REOPEN ELEVATOR UNIT AFTER SHUTDOWN -- \$250
- 5 (IX) ANY OTHER INSPECTION:
- 6 1. HALF DAY (UP TO 4 HOURS), NOT TO EXCEED \$300
- 7 2. FULL DAY (UP TO 8 HOURS), NOT TO EXCEED \$600.

8 (2) Each fee collected under this subsection shall be paid into the  
9 [General Fund] SAFETY INSPECTION FUND ESTABLISHED UNDER § 2-107.1 OF THE  
10 LABOR AND EMPLOYMENT ARTICLE.

11 (3) A contractor, owner, or lessee who notifies the Commissioner at least  
12 24 hours in advance of a scheduled inspection that the elevator unit does not comply  
13 with the requirements of Part II of this subtitle may not be charged a fee under  
14 paragraph (1) of this subsection.

15 (C) (1) THE COMMISSIONER SHALL SEND NOTICE OF A REQUIRED  
16 INSPECTION TO THE OWNER OF AN ELEVATOR UNIT ON PRIVATE PROPERTY AT  
17 LEAST 70 DAYS BEFORE THE INSPECTION CERTIFICATION FORM IS DUE.

18 (2) IF THE INSPECTION CERTIFICATION FORM IS NOT RECEIVED BY THE  
19 DUE DATE, THE COMMISSIONER SHALL SEND A SECOND NOTICE OF A REQUIRED  
20 INSPECTION.

21 (3) IF THE INSPECTION CERTIFICATION FORM IS NOT RECEIVED WITHIN  
22 30 DAYS AFTER THE DUE DATE, THE COMMISSIONER SHALL SEND A THIRD NOTICE  
23 OF A REQUIRED INSPECTION, RETURN RECEIPT REQUESTED, AND SHALL POST ON  
24 THE ELEVATOR UNIT A NOTICE OF INTENT TO SHUT DOWN THE ELEVATOR UNIT.

25 (4) IF THE INSPECTION CERTIFICATION FORM IS NOT RECEIVED WITHIN  
26 30 DAYS AFTER POSTING NOTICE ON THE PROPERTY, THE COMMISSIONER MAY SHUT  
27 DOWN THE ELEVATOR UNIT.

28 12-810.

29 (a) [The Commissioner shall conduct] THERE SHALL BE a final acceptance  
30 inspection on completion of the installation of an elevator unit before it is placed in  
31 service.

32 (b) The Commissioner shall provide an inspection checklist that specifies the  
33 requirements for compliance with the Safety Code and other regulations adopted by  
34 the Commissioner.

1 (c) Before scheduling a final acceptance inspection with the Commissioner for  
2 an elevator unit being installed in the State, the contractor shall ensure that:

3 (1) the elevator unit meets the requirements of the Safety Code and  
4 other regulations adopted by the Commissioner; and

5 (2) the elements indicated on the inspection checklist are operational,  
6 have been tested, and are functional.

7 (d) If an inspector arrives to inspect an elevator unit at the designated time  
8 and the elevator unit does not meet the criteria established in subsection (c) of this  
9 section, the inspector may cancel the inspection and charge the contractor a fee in  
10 accordance with § 12-809 of this subtitle.

11 12-811.

12 (a) If an inspection OR INSPECTION CERTIFICATION FORM discloses that an  
13 elevator unit complies with the Safety Code and other regulations adopted by the  
14 Commissioner, the Commissioner shall issue a certificate to the owner or lessee of the  
15 elevator unit.

16 (b) The certificate shall be posted conspicuously in or on the elevator unit.

17 (c) While a certificate is in effect, it authorizes the holder to operate the  
18 elevator unit in a building, structure, or place of employment in the State.

19 12-812.

20 (a) A certificate expires 1 year after its effective date.

21 (b) [The Commissioner shall conduct] THERE SHALL BE an annual inspection  
22 of each elevator unit to determine whether to reissue the certificate:

23 (1) BY THE COMMISSIONER; OR

24 (2) AT THE OPTION OF THE OWNER OF AN ELEVATOR UNIT ON PRIVATE  
25 PROPERTY, BY AN ELEVATOR CONTRACTOR OR ELEVATOR MECHANIC LICENSED BY  
26 THE BOARD UNDER THIS SUBTITLE.

27 (c) Before scheduling an annual inspection with the Commissioner, the  
28 contractor, owner, or lessee of an elevator unit shall:

29 (1) ensure that the elevator unit is operated, inspected, and repaired in  
30 accordance with Part II of this subtitle and the regulations adopted under Part II of  
31 this subtitle; and

32 (2) make inspection, maintenance, and repair records available to the  
33 inspector charged with inspecting the elevator unit.

1 (D) IF AN ANNUAL INSPECTION UNDER THIS SECTION IS CONDUCTED BY AN  
2 ELEVATOR CONTRACTOR OR ELEVATOR MECHANIC LICENSED BY THE BOARD UNDER  
3 THIS SUBTITLE, THE ELEVATOR CONTRACTOR OR ELEVATOR MECHANIC SHALL:

4 (1) COMPLETE AND SIGN AN INSPECTION CERTIFICATION FORM  
5 PROVIDED BY THE COMMISSIONER; AND

6 (2) FILE WITH THE COMMISSIONER THE INSPECTION CERTIFICATION  
7 FORM AND A CERTIFICATE OF INSURANCE TO COVER GENERAL LIABILITY  
8 INSURANCE FOR THE ELEVATOR UNIT.

9 [(d)] (E) (1) When [an inspector conducts] an annual inspection IS  
10 CONDUCTED and the elevator unit fails the inspection, [the inspector shall issue] an  
11 inspection checklist SHALL BE ISSUED that specifies the corrections required.

12 (2) The inspection checklist shall be on a form provided by the  
13 Commissioner and shall specify the requirements for compliance with the Safety Code  
14 and other regulations adopted by the Commissioner.

15 (3) If a follow-up inspection is required to ensure compliance with the  
16 corrections specified on the inspection checklist, the contractor, owner, or lessee shall  
17 pay a fee in accordance with § 12-809 of this subtitle.

18 12-813.

19 (a) If [an inspector cancels] a final acceptance inspection under § 12-810 of  
20 this subtitle IS CANCELLED or if a follow-up inspection is required under § 12-812 of  
21 this subtitle, the contractor, owner, or lessee of the elevator unit shall:

22 (1) reschedule the inspection [with the inspector]; and

23 (2) ensure that the elevator unit complies with the requirements of Part  
24 II of this subtitle, including correcting as necessary any safety hazards or violations of  
25 the Safety Code, on the designated date.

26 (b) A contractor, owner, or lessee shall maintain a copy of any inspection,  
27 maintenance, and repair records at a central location in a manner consistent with  
28 regulations adopted under Part II of this subtitle.

29 12-814.

30 (a) When an inspection discloses that an elevator unit is in unsafe condition so  
31 that its continued operation will violate the Safety Code, or any other regulation  
32 adopted by the Commissioner under Part II of this subtitle, a citation may be issued  
33 and penalties may be assessed in accordance with §§ 5-212 and 5-213 of the Labor  
34 and Employment Article.

35 (b) If after inspection or testing of an elevator unit [the Commissioner  
36 determines] IT IS DETERMINED that the elevator unit is in violation of the Safety  
37 Code or any other regulation adopted by the Commissioner under Part II of this

1 subtitle, and that there is a substantial probability that death or serious physical  
2 harm could result from its continued use, action shall be taken in accordance with §  
3 5-210 of the Labor and Employment Article.

4 12-823.

5 (A) In addition to any powers set forth elsewhere, the Board may:

6 (1) consult with engineering authorities and organizations concerned  
7 with standard safety codes about:

8 (i) regulations governing the operation, maintenance, servicing,  
9 construction, alteration, installation, and inspection of elevator units; and

10 (ii) qualifications that are adequate, reasonable, and necessary for  
11 elevator mechanics and elevator contractors;

12 (2) recommend applicable legislation;

13 (3) adopt bylaws for the conduct of its proceedings; and

14 (4) adopt regulations to carry out Part III of this subtitle.

15 (B) THE BOARD SHALL DEVELOP AN INSPECTION CERTIFICATION FORM FOR  
16 USE AND SUBMISSION BY ELEVATOR CONTRACTORS AND ELEVATOR MECHANICS  
17 CONDUCTING ELEVATOR INSPECTIONS UNDER PART II OF THIS SUBTITLE.

18 12-824.

19 (a) The Board shall establish fees for the application, issuance, and renewal of  
20 licenses issued under Part III of this subtitle.

21 (b) The total amount of fees established under subsection (a) of this section  
22 may not exceed, for the 2-year term of the license:

23 (1) \$100 per year for an elevator mechanic or elevator renovator  
24 mechanic; and

25 (2) \$150 per year for an elevator contractor or elevator renovator  
26 contractor.

27 (C) ALL FEES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE  
28 SAFETY INSPECTION FUND ESTABLISHED UNDER § 2-107.1 OF THE LABOR AND  
29 EMPLOYMENT ARTICLE.

30 12-901.

31 (a) In this subtitle the following words have the meanings indicated.

32 (b) "Board" means the Board of Boiler Rules.



1 (e) "Certificate inspection" means an inspection, the report of which is used by  
2 the Chief Boiler Inspector to determine whether to issue a certificate.

3 12-906.

4 (a) (1) Whenever the position of Chief Boiler Inspector or deputy boiler  
5 inspector becomes vacant, the Secretary of Budget and Management as soon as  
6 practicable shall conduct a competitive examination in accordance with Title 7 of the  
7 State Personnel and Pensions Article.

8 (2) The examination shall be the same as or equivalent to the  
9 examination given by the Board for special inspectors under § 12-907 of this subtitle.

10 (3) With the approval of the Secretary, the Commissioner shall appoint  
11 from the successful candidates a Chief Boiler Inspector or deputy boiler inspector.

12 (b) If authorized by the Commissioner, the Chief Boiler Inspector shall:

13 (1) take action necessary to enforce the regulations adopted under this  
14 subtitle and the laws of the State that govern the use of boilers and pressure vessels  
15 to which this subtitle applies;

16 (2) keep a complete record of the type, dimensions, maximum allowable  
17 pressure, age, location, and date of the last recorded inspection of each boiler and each  
18 pressure vessel to which this subtitle applies;

19 (3) issue, and for cause shown, suspend or revoke certificates under §  
20 12-911 of this subtitle; and

21 (4) refer for prosecution each person who violates this subtitle.

22 (c) Each deputy boiler inspector:

23 (1) is responsible to the Chief Boiler Inspector; and

24 (2) shall perform the duties that the Chief Boiler Inspector directs.

25 (d) All money received by the Chief Boiler Inspector from fees shall be  
26 deposited in the [General Fund] SAFETY INSPECTION FUND ESTABLISHED UNDER §  
27 2-107.1 OF THE LABOR AND EMPLOYMENT ARTICLE.

28 12-909.

29 (a) The requirements of this section and §§ 12-910 and 12-911 of this subtitle  
30 do not apply to:

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

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

1 (3) a pressure vessel that:

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

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

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

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

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

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

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

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

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

20 (c) (1) Except as provided in paragraphs (2) and (3) of this subsection, the  
21 Chief Boiler Inspector or a deputy boiler inspector shall make the certificate  
22 inspections required under subsection (d) of this section.

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

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

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

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

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

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

1 (3) (i) A power boiler or a high pressure, high temperature water  
2 boiler shall:

- 3 1. receive a certificate inspection annually; and
- 4 2. be externally inspected annually while under pressure, if  
5 possible.

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

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

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

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

16 B. a chemical and physical analysis of samples of the boiler  
17 water taken at regular intervals of not more than 48 hours of operation that  
18 adequately show the condition of the boiler water and any elements or characteristics  
19 of the boiler water that are capable of producing corrosion or other deterioration of the  
20 power boiler or its parts.

21 (4) A heating boiler shall receive a certificate inspection biennially.

22 (5) (i) A pressure vessel that is subject to internal corrosion shall  
23 receive a certificate inspection biennially.

24 (ii) A pressure vessel that is not subject to internal corrosion shall  
25 receive a certificate inspection at intervals set by the Board.

26 (iii) Internal inspection is not required of a pressure vessel if:

27 1. the contents of the pressure vessel are known to be  
28 noncorrosive to the material of which the shell, heads, or fittings are constructed:

29 A. from the chemical composition of the contents; or

30 B. from evidence that the contents are adequately treated  
31 with a corrosion inhibitor; and

32 2. the pressure vessel is constructed in accordance with  
33 regulations adopted under this subtitle.

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

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

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

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

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

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

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

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

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

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

29 (2) Inspection requirements of operating equipment shall:

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

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

32 1. previous experience, based on records of performance and  
33 maintenance;

34 2. location, with respect to personnel hazard;

35 3. provision for related safe operation controls; and

1 4. interrelation with other operations outside the scope of  
2 this subtitle.

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

7 (1) certificate inspection:

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

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

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

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

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

18 (I) CERTIFICATE INSPECTION OF A BOILER ..... \$300

19 (II) CERTIFICATE INSPECTION OF A PRESSURE VESSEL ..... \$40

20 (III) CERTIFICATE INSPECTION OF AN ADDITIONAL BOILER AT THE  
21 SAME LOCATION, ON THE SAME DATE ..... \$150

22 (IV) CERTIFICATE INSPECTION OF AN ADDITIONAL PRESSURE  
23 VESSEL AT THE SAME LOCATION, ON THE SAME DATE ..... \$5

24 (V) FOLLOW-UP INSPECTION OF A BOILER TO DETERMINE  
25 COMPLIANCE ..... \$150

26 (VI) FOLLOW-UP INSPECTION OF A PRESSURE VESSEL TO  
27 DETERMINE COMPLIANCE ..... \$40

28 (2) inspection of an antique or model steam boiler or pressure  
29 vessel ..... [\$15] \$40

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

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

1 (i) half day (up to 4 hours) ..... [~~\$250~~] \$300

2 (ii) full day (up to 8 hours) ..... [~~\$500~~] \$600

3 (5) FILING FEE FOR PROCESSING INSPECTION REPORT AND ISSUING  
4 INSPECTION CERTIFICATE ..... \$10 PER BOILER

5 (6) LATE FEE ..... \$25

6 (7) POSTING FEE ..... \$75

7 (8) FEE TO START UP BOILER OR PRESSURE VESSEL  
8 AFTER SHUTDOWN ..... \$250

9 (J) (1) THE COMMISSIONER SHALL SEND NOTICE OF A REQUIRED  
10 INSPECTION UNDER THIS SUBTITLE TO THE OWNER OF A BOILER OR PRESSURE  
11 VESSEL ON PRIVATE PROPERTY AT LEAST 70 DAYS BEFORE THE INSPECTION  
12 CERTIFICATION FORM IS DUE.

13 (2) IF THE INSPECTION CERTIFICATION FORM IS NOT RECEIVED BY THE  
14 DUE DATE, THE COMMISSIONER SHALL SEND A SECOND NOTICE OF A REQUIRED  
15 INSPECTION.

16 (3) IF THE INSPECTION CERTIFICATION FORM IS NOT RECEIVED WITHIN  
17 30 DAYS AFTER THE DUE DATE, THE COMMISSIONER SHALL SEND A THIRD NOTICE  
18 OF A REQUIRED INSPECTION, RETURN RECEIPT REQUESTED, AND SHALL POST ON  
19 THE BOILER OR PRESSURE VESSEL A NOTICE OF INTENT TO SHUT DOWN THE BOILER  
20 OR PRESSURE VESSEL.

21 (4) IF THE INSPECTION CERTIFICATION FORM IS NOT RECEIVED WITHIN  
22 30 DAYS AFTER POSTING NOTICE ON THE BOILER OR PRESSURE VESSEL, THE  
23 COMMISSIONER MAY SHUT DOWN THE BOILER OR PRESSURE VESSEL.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect October 1, 2004.