HOUSE BILL 808

C2 8lr2702
CF SB 622

By: **Delegates Weldon, Bartlett, G. Clagett, Hecht, Krebs, O'Donnell, Shank, and Stull**

Introduced and read first time: February 6, 2008
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 17, 2008

CHAPTER _____

AN ACT concerning

Business Regulation – Stationary Engineers – Boilers

FOR the purpose of altering the scope of stationary engineer services that are subject to certain licensing requirements; altering the types of boilers certain stationary engineers ~~may~~ are authorized to oversee; providing that the Maryland Stationary Engineers Act and certain regulations may not supersede certain authority of the Board of Boiler Rules; defining certain terms; altering a certain definition; and generally relating to stationary engineers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6.5–101 and 6.5–302
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 6.5–103
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 6.5–301
Annotated Code of Maryland

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW**.
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

(2004 Replacement Volume and 2007 Supplement)

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

Article – Business Occupations and Professions

6.5–101.

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

(b) "Board" means the State Board of Stationary Engineers.

(C) "BOILER" MEANS:

(1) A CLOSED VESSEL IN WHICH WATER IS HEATED, STEAM IS GENERATED, STEAM IS SUPERHEATED, OR A COMBINATION OF THESE FUNCTIONS IS ACCOMPLISHED, UNDER PRESSURE OR VACUUM FOR USE EXTERNALLY TO THE VESSEL BY THE DIRECT APPLICATION OF HEAT FROM THE COMBUSTION OF FUELS OR FROM ELECTRICITY OR NUCLEAR ENERGY; OR

(2) A FIRED UNIT FOR HEATING OR VAPORIZING LIQUIDS OTHER THAN WATER IF THE UNIT IS SEPARATE FROM A PROCESSING SYSTEM AND IS COMPLETE WITHIN ITSELF.

(D) "HEATING BOILER" MEANS:

(1) A STEAM BOILER THAT OPERATES AT PRESSURES NOT EXCEEDING 15 PSIG; OR

(2) A HOT WATER BOILER THAT OPERATES AT PRESSURES NOT EXCEEDING 160 PSIG OR TEMPERATURES NOT EXCEEDING 250 DEGREES FAHRENHEIT.

(E) "HIGH PRESSURE, HIGH TEMPERATURE WATER BOILER" MEANS A WATER BOILER THAT OPERATES AT PRESSURES EXCEEDING 160 PSIG OR TEMPERATURES EXCEEDING 250 DEGREES FAHRENHEIT.

[(c)**]** **(F)** (1) "License" means, unless the context requires otherwise, a license issued by the Board to perform the functions of a stationary engineer.

(2) "License" includes, unless the context requires otherwise:

(i) a Grade 5 license;

(ii) a Grade 4 license;

(iii) a Grade 3 license;

(iv) a Grade 2 license; and

(v) a Grade 1 license.

(G) "POWER BOILER" MEANS A BOILER IN WHICH STEAM OR OTHER VAPOR IS GENERATED AT A PRESSURE OF MORE THAN 15 PSIG.

[(d)**] (H)** **(1)** "Provide stationary engineer services" means to oversee the operation of a power plant, plant of machinery, ~~or boiler, each generating pressure of at least 15 psi and operating at 30 or more horsepower~~ **POWER BOILER, OR HIGH–PRESSURE, HIGH TEMPERATURE WATER BOILER**.

(2) "PROVIDE STATIONARY ENGINEER SERVICES" DOES NOT INCLUDE OVERSEEING THE OPERATION OF A HEATING BOILER.

[(e)**] (I)** "Stationary engineer" means an individual who is licensed by the Board to provide stationary engineer services in accordance with the license grades described in § 6.5–302 of this title.

6.5–103.

THE PROVISIONS OF THIS TITLE AND ANY REGULATIONS ADOPTED UNDER THIS TITLE MAY NOT SUPERSEDE THE AUTHORITY OF THE BOARD OF BOILER RULES TO IMPLEMENT BOILER AND PRESSURE VESSEL SAFETY STANDARDS ESTABLISHED UNDER TITLE 12, SUBTITLE 9 OF THE PUBLIC SAFETY ARTICLE OR ANY REGULATIONS ADOPTED UNDER THAT SUBTITLE.

6.5–301.

Except as otherwise provided in this title, an individual shall be licensed by the Board to provide stationary engineer services before the individual may provide stationary engineer services in the State.

6.5–302.

(a) A Grade 5 stationary engineer licensee may oversee the operation of a **POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE WATER** boiler that:

(1) (i) **[**operates at a pressure of more than 15 psi and**]** can be operated at 30 to 99 horsepower; and

(ii) is located in a building not open for public use;

(2) is inspected in accordance with the boiler laws and regulations by a special inspector or a deputy boiler inspector;

(3) if not equipped with a 24–hour computerized monitoring system and automatic controls, is visited by a Grade 5 licensee at least once every 24 hours that the boiler is in operation; and

(4) if equipped with a 24–hour computerized monitoring system and automatic controls, is visited by a Grade 5 licensee at least once per week that the boiler is in operation, if the licensee:

(i) is responsible for the safe operation of the equipment at all times;

(ii) is available to observe the monitoring equipment or devices and make the necessary adjustments at least once every 24 hours; and

(iii) maintains a daily inspection log.

(b) A Grade 4 stationary engineer licensee may oversee the operation of a **POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE** boiler that:

(1) (i) **[**operates at a pressure of more than 15 psi and**]** can operate at 30 to 99 horsepower; and

(ii) is located in a building open for public use;

(2) is inspected in accordance with the boiler laws and regulations by a special inspector or a deputy boiler inspector;

(3) if not equipped with a 24–hour computerized monitoring system and automatic controls, is attended by a Grade 4 licensee as follows:

(i) at all times that the boiler is in operation; or

(ii) if located in a school:

1. at all times during regular school hours; and

2. only when at least 150 students, faculty, or members of the public occupy the building where the boiler is located during nonregular school hours;

(4) if equipped with a 24–hour computerized monitoring system and automatic controls, is attended by a Grade 4 licensee as follows:

(i) if located in a hospital, hotel, residential facility, or other building generally open to the public, is visited at least once every 8 hours that the building is open for public use, if the licensee:

1. is responsible for the safe operation of such equipment at all times;

2. is available to observe the monitoring equipment or devices and make necessary adjustments at least once every 24 hours; and

3. maintains a daily inspection log; and

(ii) if located in a school, is visited at least once every 8 hours:

1. during regular school hours; and

2. during nonregular school hours when the school building in which the boiler is located is occupied by at least 150 students, faculty, or members of the public, if the licensee:

A. is responsible for the safe operation of such equipment at all times;

B. is available to observe the monitoring equipment or devices and make necessary adjustments at least once every 24 hours; and

C. maintains a daily inspection log.

(c) A Grade 3 stationary engineer licensee may oversee the operation of a **POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE** boiler that:

(1) **[**operates at a pressure of more than 15 psi and**]** can operate at 100 to 299 horsepower;

(2) is inspected in accordance with the boiler laws and regulations by a special inspector or a deputy boiler inspector;

(3) if not equipped with a 24–hour computerized monitoring system and automatic controls, has a Grade 3 licensee in attendance at all times that the boiler is in operation; and

(4) if equipped with a 24–hour computerized monitoring system and automatic controls, is attended by a Grade 3 licensee as follows:

(i) if not located in a building open for public use, does not require regular full–time attendance or scheduled visitation, if the licensee:

1. is responsible for the safe operation of such equipment at all times;

2. is available to observe the monitoring equipment or devices and make necessary adjustments at least once every 24 hours; and

3. maintains a daily inspection log; and

(ii) if located in a school, hospital, hotel, residential facility, or other building generally open to the public, is visited at least once every 8 hours that the building is open for public use, if the licensee:

1. is responsible for the safe operation of such equipment at all times;

2. is available to observe the monitoring equipment or devices and make necessary adjustments at least once every 24 hours; and

3. maintains a daily inspection log.

(d) A Grade 2 stationary engineer licensee may oversee the operation of a **POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE** boiler that:

(1) **[**operates at a pressure of more than 15 psi and**]** can operate at 300 to 499 horsepower;

(2) is inspected in accordance with the boiler laws and regulations by a special inspector or a deputy boiler inspector;

(3) if not equipped with a 24–hour computerized monitoring system and automatic controls, has a Grade 2 licensee in attendance at all times that the boiler is in operation; and

(4) if equipped with a 24–hour computerized monitoring system and automatic controls, is attended by a Grade 2 licensee as follows:

(i) if not located in a building open for public use, does not require regular full–time attendance or scheduled visitation, if the licensee:

1. is responsible for the safe operation of such equipment at all times;

2. is available to observe the monitoring equipment or devices and make necessary adjustments at least once every 24 hours; and

3. maintains a daily inspection log; and

(ii) if located in a school, hospital, hotel, residential facility, or other building generally open to the public, is visited at least once every 8 hours that the building is open for public use, if the licensee:

1. is responsible for the safe operation of such equipment at all times;

2. is available to observe the monitoring equipment or devices and make necessary adjustments at least once every 24 hours; and

3. maintains a daily inspection log.

(e) A Grade 1 stationary engineer licensee may oversee the operation of a **POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE** boiler that:

(1) **[**operates at a pressure of more than 15 psi and**]** can operate at 500 or more horsepower;

(2) is inspected in accordance with the boiler laws and regulations by a special inspector or a deputy boiler inspector;

(3) if not equipped with a 24–hour computerized monitoring system and automatic controls, has a Grade 1 licensee in attendance at all times that the boiler is in operation; and

(4) if equipped with a 24–hour computerized monitoring system and automatic controls and is attended by a Grade 1 licensee as follows:

(i) if not located in a building open for public use, does not require regular visitation, if the licensee:

1. is responsible for the safe operation of such equipment at all times;

2. is available to observe the monitoring equipment or devices and make necessary adjustments at least once every 24 hours; and

3. maintains a daily inspection log; and

(ii) if located in a school, hospital, hotel, residential facility, or other building generally open to the public, is visited at least once every 8 hours that the building is open for public use, if the licensee:

1. is responsible for the safe operation of such equipment at all times;

2. is available to observe the monitoring equipment or devices and make necessary adjustments at least once every 24 hours; and

3. maintains a daily inspection log.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.