

# SENATE BILL 622

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8lr2635

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By: **Senators Brinkley, Colburn, Haines, Kittleman, and Mooney**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Business Regulation – Stationary Engineers – Boilers**

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

9 BY repealing and reenacting, with amendments,  
10 Article – Business Occupations and Professions  
11 Section 6.5–101 and 6.5–302  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2007 Supplement)

14 BY adding to  
15 Article – Business Occupations and Professions  
16 Section 6.5–103  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Business Occupations and Professions  
21 Section 6.5–301  
22 Annotated Code of Maryland  
23 (2004 Replacement Volume and 2007 Supplement)

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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.



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

3 **Article – Business Occupations and Professions**

4 6.5–101.

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

6 (b) “Board” means the State Board of Stationary Engineers.

7 (c) **“BOILER” MEANS:**

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

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

16 (d) **“HEATING BOILER” MEANS:**

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

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

22 ~~(e) **“HIGH PRESSURE, HIGH TEMPERATURE WATER BOILER” MEANS A**~~  
23 ~~**WATER BOILER THAT OPERATES AT PRESSURES EXCEEDING 160 PSIG OR**~~  
24 ~~**TEMPERATURES EXCEEDING 250 DEGREES FAHRENHEIT.**~~

25 [(c)] ~~(f)~~ **(E)** (1) “License” means, unless the context requires otherwise, a  
26 license issued by the Board to perform the functions of a stationary engineer.

27 (2) “License” includes, unless the context requires otherwise:

28 (i) a Grade 5 license;

29 (ii) a Grade 4 license;

- 1 (iii) a Grade 3 license;
- 2 (iv) a Grade 2 license; and
- 3 (v) a Grade 1 license.

4 ~~(G) “POWER BOILER” MEANS A BOILER IN WHICH STEAM OR OTHER~~  
 5 ~~VAPOR IS GENERATED AT A PRESSURE OF MORE THAN 15 PSIG.~~

6 [(d)] ~~(H)~~ (F) (1) “Provide stationary engineer services” means to oversee the  
 7 operation of a power plant, plant of machinery, or boiler, each generating pressure of  
 8 at least MORE THAN 15 psi and operating at 30 or more horsepower.

9 (2) “PROVIDE STATIONARY ENGINEER SERVICES” DOES NOT  
 10 INCLUDE OVERSEEING THE OPERATION OF A HEATING BOILER.

11 [(e)] ~~(I)~~ (G) “Stationary engineer” means an individual who is licensed by the  
 12 Board to provide stationary engineer services in accordance with the license grades  
 13 described in § 6.5–302 of this title.

14 6.5–103.

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

20 6.5–301.

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

24 6.5–302.

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

- 27 (1) (i) [operates at a pressure of more than 15 psi and] can be  
 28 operated at 30 to 99 horsepower; and
- 29 (ii) is located in a building not open for public use;
- 30 (2) is inspected in accordance with the boiler laws and regulations by a  
 31 special inspector or a deputy boiler inspector;

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

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

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

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

11 (iii) maintains a daily inspection log.

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

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

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

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

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

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

22 (ii) if located in a school:

23 1. at all times during regular school hours; and

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

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

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

- 1   1.     is responsible for the safe operation of such equipment  
2 at all times;
- 3   2.     is available to observe the monitoring equipment or  
4 devices and make necessary adjustments at least once every 24 hours; and
- 5   3.     maintains a daily inspection log; and
- 6   (ii)    if located in a school, is visited at least once every 8 hours:
- 7   1.     during regular school hours; and
- 8   2.     during nonregular school hours when the school  
9 building in which the boiler is located is occupied by at least 150 students, faculty, or  
10 members of the public, if the licensee:
- 11   A.     is responsible for the safe operation of such equipment  
12 at all times;
- 13   B.     is available to observe the monitoring equipment or  
14 devices and make necessary adjustments at least once every 24 hours; and
- 15   C.     maintains a daily inspection log.
- 16                   (c)    A Grade 3 stationary engineer licensee may oversee the operation of a  
17 ~~POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE~~ boiler that:
- 18   (1)    [operates at a pressure of more than 15 psi and] can operate at 100  
19 to 299 horsepower;
- 20   (2)    is inspected in accordance with the boiler laws and regulations by a  
21 special inspector or a deputy boiler inspector;
- 22   (3)    if not equipped with a 24-hour computerized monitoring system  
23 and automatic controls, has a Grade 3 licensee in attendance at all times that the  
24 boiler is in operation; and
- 25   (4)    if equipped with a 24-hour computerized monitoring system and  
26 automatic controls, is attended by a Grade 3 licensee as follows:
- 27   (i)    if not located in a building open for public use, does not  
28 require regular full-time attendance or scheduled visitation, if the licensee:
- 29   1.     is responsible for the safe operation of such equipment  
30 at all times;

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

3                                   3.     maintains a daily inspection log; and

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

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

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

11                                  3.     maintains a daily inspection log.

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

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

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

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

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

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

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

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

29                                   3.     maintains a daily inspection log; and

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



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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.