

# SENATE BILL 840

E4

(8lr3266)

## ENROLLED BILL

—*Education, Health, and Environmental Affairs / Economic Matters*—

Introduced by ~~Senator Colburn~~ Senators Colburn and Haines

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Boiler and Pressure Vessel Safety - Inspections - Antique Boilers**  
3 **or Pressure Vessels**

4 FOR the purpose of authorizing certain inspections of certain antique boilers or  
5 pressure vessels to be made by certain private inspectors under certain  
6 circumstances; requiring certain private inspectors who make certain  
7 inspections to file a certain report with the Chief Boiler Inspector; requiring the  
8 Chief Boiler Inspector to issue a certain certificate to the owner or user of  
9 certain antique boilers or pressure vessels under certain circumstances;  
10 defining a certain term; and generally relating to inspections of boilers and  
11 pressure vessels.

12 ~~BY renumbering~~

13 ~~Article - Public Safety~~

14 ~~Section 12-901(l)~~

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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.

*Italics indicate opposite chamber / conference committee amendments.*



1 ~~to be Section 12-901(m)~~  
 2 ~~Annotated Code of Maryland~~  
 3 ~~(2003 Volume and 2007 Supplement)~~

4 ~~BY adding to~~  
 5 ~~Article – Public Safety~~  
 6 ~~Section 12-901(l)~~  
 7 ~~Annotated Code of Maryland~~  
 8 ~~(2003 Volume and 2007 Supplement)~~

9 BY repealing and reenacting, with amendments,  
 10 Article – Public Safety  
 11 Section 12-909  
 12 Annotated Code of Maryland  
 13 (2003 Volume and 2007 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 15 MARYLAND, That ~~Section(s) 12-901(l) of Article – Public Safety of the Annotated~~  
 16 ~~Code of Maryland be renumbered to be Section(s) 12-901(m).~~

17 ~~SECTION 2. AND BE IT FURTHER ENACTED, That~~ the Laws of Maryland  
 18 read as follows:

19 **Article – Public Safety**

20 ~~12-901.~~

21 ~~(L) “PRIVATE INSPECTOR” MEANS AN INDIVIDUAL WHO:~~

22 ~~(1) HAS A LEVEL II OR LEVEL III CERTIFICATION FROM THE~~  
 23 ~~AMERICAN SOCIETY FOR NONDESTRUCTIVE TESTING (ASNT); AND~~

24 ~~(2) IS COMMISSIONED BY THE NATIONAL BOARD OF BOILER AND~~  
 25 ~~PRESSURE VESSEL INSPECTORS.~~

26 12-909.

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

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

31 (2) a heating boiler that is located in a private residence or an  
 32 apartment 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  
6 less than six family units; or

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

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

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

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

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

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

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

22 (c) (1) Except as provided in paragraphs [(2) and (3)] **(2), (3), AND (4)** of  
23 this subsection, the Chief Boiler Inspector or a deputy boiler inspector shall make the  
24 certificate inspections required under subsection (d) of this section.

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

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

31 (4) (I) **IN THIS PARAGRAPH, "PRIVATE INSPECTOR" MEANS AN**  
32 **INDIVIDUAL WHO:**

1 1. HAS A LEVEL II OR LEVEL III CERTIFICATION  
 2 FROM THE AMERICAN SOCIETY FOR NONDESTRUCTIVE TESTING (ASNT); AND

3 2. IS COMMISSIONED AS A SPECIAL INSPECTOR BY  
 4 THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS.

5 (II) IF A BOILER OR PRESSURE VESSEL IS AN EXHIBITION OR  
 6 ANTIQUE BOILER OR PRESSURE VESSEL, INCLUDING A STEAM OR GAS ENGINE,  
 7 WHEAT THRESHER, OR ANTIQUE TRACTOR, THAT WILL BE USED IN AN EXHIBIT  
 8 OR SHOW FOR NONCOMMERCIAL PURPOSES, THE INSPECTIONS REQUIRED  
 9 UNDER SUBSECTION (D) OF THIS SECTION MAY BE MADE BY A PRIVATE  
 10 INSPECTOR WHO HAS LEVEL II OR LEVEL III CERTIFICATION FROM THE  
 11 AMERICAN SOCIETY FOR NONDESTRUCTIVE TESTING (ASNT).

12 ~~(II)~~ (III) IF A ~~CERTIFIED~~ PRIVATE INSPECTOR MAKES THE  
 13 INSPECTIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE  
 14 PRIVATE INSPECTOR SHALL FILE A REPORT WITH THE CHIEF BOILER  
 15 INSPECTOR ON THE RESULTS OF THE INSPECTION.

16 ~~(III)~~ (IV) IF THE REPORT OF THE PRIVATE INSPECTOR  
 17 SHOWS THAT THE EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL  
 18 COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION AND  
 19 THE REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE CHIEF BOILER  
 20 INSPECTOR SHALL ISSUE A CERTIFICATE TO THE OWNER OR USER OF THE  
 21 EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL THAT AUTHORIZES IT  
 22 TO BE USED IN AN EXHIBIT OR SHOW FOR NONCOMMERCIAL PURPOSES.

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

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

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

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

30 (3) (i) Except for model steam boilers, a power boiler or a high  
 31 pressure, high temperature water boiler shall:

32 1. receive a certificate inspection annually; and

33 2. be externally inspected annually while under  
 34 pressure, if possible.

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

3 1. the power boiler has internal continuous water  
4 treatment under the general supervision of a professional engineer who has experience  
5 in the treatment of boiler water; and

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

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

11 B. a chemical and physical analysis of samples of the  
12 boiler water taken at regular intervals of not more than 48 hours of operation that  
13 adequately show the condition of the boiler water and any elements or characteristics  
14 of the boiler water that are capable of producing corrosion or other deterioration of the  
15 power boiler or its parts.

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

18 (5) (i) Except as provided in paragraph (3) of this subsection,  
19 certificate inspections shall be conducted at time intervals set forth in regulations  
20 adopted under this subtitle and in accordance with Title 10 of the State Government  
21 Article.

22 (ii) The intervals shall protect public safety taking into  
23 consideration, consistent with § 12-905 of this subtitle, the design, type, age, extent of  
24 automated monitoring, fuel, and operating characteristics of the boiler or pressure  
25 vessel.

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

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

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

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

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

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

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

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

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

18                   (2) Inspection requirements of operating equipment shall:

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

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

21                                   1. previous experience, based on records of performance  
22 and maintenance;

23                                   2. location, with respect to personnel hazard;

24                                   3. provision for related safe operation controls; and

25                                   4. interrelation with other operations outside the scope  
26 of this subtitle.

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

31                   (1) certificate inspection:

- 1 (i) initial certificate inspection of a boiler or pressure vessel not
- 2 previously inspected in the State..... no charge
- 3 (ii) certificate inspection of a boiler or pressure vessel, other
- 4 than a pressure vessel attached to an air compressor, previously inspected in the
- 5 State..... \$40
- 6 (iii) certificate inspection of a pressure vessel, attached to an air
- 7 compressor, previously inspected in the State.. ..... \$10
- 8 (iv) certificate inspection of an additional boiler or pressure
- 9 vessel previously inspected in the State, at the same location, on the same
- 10 date..... \$10
- 11 (v) follow-up inspection to determine compliance ..... \$50
- 12 (2) inspection of an antique or model steam boiler or pressure
- 13 vessel.....\$15
- 14 (3) investigation of an accident or complaint..... no charge
- 15 (4) special inspection, such as an inspection at a fabrication or repair
- 16 facility, ASME joint review, or National Board of Inspection Code Repair Review, shall
- 17 be charged at the following rates, and shall include all expenses such as travel and
- 18 hotel costs:
- 19 (i) half day (up to 4 hours)..... \$250
- 20 (ii) full day (up to 8 hours)..... \$500

21 SECTION ~~2~~ 3 2. AND BE IT FURTHER ENACTED, That this Act shall take

22 effect ~~October~~ June 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.