

SENATE BILL 840

E4

8lr3266
CF HB 1274

By: **Senator Colburn**

Introduced and read first time: February 11, 2008

Assigned to: Rules

A BILL ENTITLED

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; and
10 generally relating to inspections of boilers and pressure vessels.

11 BY repealing and reenacting, with amendments,
12 Article - Public Safety
13 Section 12-909
14 Annotated Code of Maryland
15 (2003 Volume and 2007 Supplement)

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

18 **Article - Public Safety**

19 12-909.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (3) a pressure vessel that:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (II) IF A CERTIFIED PRIVATE INSPECTOR MAKES THE
9 INSPECTIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE
10 PRIVATE INSPECTOR SHALL FILE A REPORT WITH THE CHIEF BOILER
11 INSPECTOR ON THE RESULTS OF THE INSPECTION.

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

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

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

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

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

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

28 1. receive a certificate inspection annually; and

29 2. be externally inspected annually while under
30 pressure, if possible.

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

33 1. the power boiler has internal continuous water
34 treatment under the general supervision of a professional engineer who has experience
35 in the treatment of boiler water; and

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

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

6 B. a chemical and physical analysis of samples of the
7 boiler water taken at regular intervals of not more than 48 hours of operation that
8 adequately show the condition of the boiler water and any elements or characteristics
9 of the boiler water that are capable of producing corrosion or other deterioration of the
10 power boiler or its parts.

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) Inspection requirements of operating equipment shall:

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

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

16 1. previous experience, based on records of performance
17 and maintenance;

18 2. location, with respect to personnel hazard;

19 3. provision for related safe operation controls; and

20 4. interrelation with other operations outside the scope
21 of this subtitle.

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

26 (1) certificate inspection:

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

29 (ii) certificate inspection of a boiler or pressure vessel, other
30 than a pressure vessel attached to an air compressor, previously inspected in the
31 State \$40

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

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

3 (v) follow-up inspection to determine compliance \$50

4 (2) inspection of an antique or model steam boiler or pressure
5 vessel..... \$15

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

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

11 (i) half day (up to 4 hours)..... \$250

12 (ii) full day (up to 8 hours)..... \$500

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