

SENATE BILL 840

E4

8lr3266
CF HB 1274

By: ~~Senator Colburn~~ **Senators Colburn and Haines**

Introduced and read first time: February 11, 2008

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 18, 2008

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 19, 2008

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)
15 to be Section 12-901(m)
16 Annotated Code of Maryland
17 (2003 Volume and 2007 Supplement)

18 BY adding to

19 Article – Public Safety
20 Section 12-901(l)
21 Annotated Code of Maryland
22 (2003 Volume and 2007 Supplement)

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 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 12–909
4 Annotated Code of Maryland
5 (2003 Volume and 2007 Supplement)

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article – Public Safety**

12 12–901.

13 **(L) “PRIVATE INSPECTOR” MEANS AN INDIVIDUAL WHO:**

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

16 **(2) IS COMMISSIONED BY THE NATIONAL BOARD OF BOILER AND**
17 **PRESSURE VESSEL INSPECTORS.**

18 12–909.

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

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

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

25 (3) a pressure vessel that:

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **(II) IF A CERTIFIED PRIVATE INSPECTOR MAKES THE**
33 **INSPECTIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE**
34 **PRIVATE INSPECTOR SHALL FILE A REPORT WITH THE CHIEF BOILER**
35 **INSPECTOR ON THE RESULTS OF THE INSPECTION.**

1 **(III) IF THE REPORT OF THE PRIVATE INSPECTOR SHOWS**
2 **THAT THE EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL COMPLIES**
3 **WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION AND THE**
4 **REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE CHIEF BOILER**
5 **INSPECTOR SHALL ISSUE A CERTIFICATE TO THE OWNER OR USER OF THE**
6 **EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL THAT AUTHORIZES IT**
7 **TO BE USED IN AN EXHIBIT OR SHOW FOR NONCOMMERCIAL PURPOSES.**

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

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

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

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

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

17 1. receive a certificate inspection annually; and

18 2. be externally inspected annually while under
19 pressure, if possible.

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

22 1. the power boiler has internal continuous water
23 treatment under the general supervision of a professional engineer who has experience
24 in the treatment of boiler water; and

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

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

30 B. a chemical and physical analysis of samples of the
31 boiler water taken at regular intervals of not more than 48 hours of operation that
32 adequately show the condition of the boiler water and any elements or characteristics
33 of the boiler water that are capable of producing corrosion or other deterioration of the
34 power boiler or its parts.

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

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

7 (ii) The intervals shall protect public safety taking into
8 consideration, consistent with § 12–905 of this subtitle, the design, type, age, extent of
9 automated monitoring, fuel, and operating characteristics of the boiler or pressure
10 vessel.

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

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

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

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

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

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

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

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

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

4 (2) Inspection requirements of operating equipment shall:

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

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

7 1. previous experience, based on records of performance
8 and maintenance;

9 2. location, with respect to personnel hazard;

10 3. provision for related safe operation controls; and

11 4. interrelation with other operations outside the scope
12 of this subtitle.

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

17 (1) certificate inspection:

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

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

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

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

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

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

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

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

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

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

7 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect ~~October~~ June 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.