

CHAPTER 461

(Senate Bill 840)

AN ACT concerning

Boiler and Pressure Vessel Safety – Inspections – Antique Boilers or Pressure Vessels

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

BY renumbering

~~Article – Public Safety
Section 12-901(l)
to be Section 12-901(m)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)~~

BY adding to

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

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

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

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

Article – Public Safety

~~12-901.~~

~~(L) "PRIVATE INSPECTOR" MEANS AN INDIVIDUAL WHO:~~

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

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

12-909.

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

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

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

(3) a pressure vessel that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(HH) (IV) IF THE REPORT OF THE PRIVATE INSPECTOR SHOWS THAT THE EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION AND

THE REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE CHIEF BOILER INSPECTOR SHALL ISSUE A CERTIFICATE TO THE OWNER OR USER OF THE EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL THAT AUTHORIZES IT TO BE USED IN AN EXHIBIT OR SHOW FOR NONCOMMERCIAL PURPOSES.

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

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

- (i) an internal inspection if construction allows; or
- (ii) an inspection that is as complete as possible.

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

- 1. receive a certificate inspection annually; and
- 2. be externally inspected annually while under pressure, if possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Inspection requirements of operating equipment shall:

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

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

- 1. previous experience, based on records of performance and maintenance;
- 2. location, with respect to personnel hazard;
- 3. provision for related safe operation controls; and
- 4. interrelation with other operations outside the scope of this subtitle.

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

(1) certificate inspection:

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.