

# SENATE BILL 561

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: February 5, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Boiler and Pressure Vessel Safety – Inspections**

3 FOR the purpose of altering the boiler and pressure vessel safety law relating to  
4 applicants for a special inspector commission by repealing certain eligibility  
5 requirements; authorizing, instead of requiring, the Board of Boiler Rules to  
6 give examinations to applicants for special inspector commissions; providing  
7 that the Chief Boiler Inspector or a deputy boiler inspector shall have free  
8 access under certain circumstances to any premises in the State to investigate  
9 the activities of a special inspector; requiring the Chief Boiler Inspector or a  
10 deputy boiler inspector to make certain inspections with respect to the  
11 installation, repair, or alteration of boilers and pressure vessels, to respond to  
12 and investigate certain complaints, to inspect or investigate accidents or  
13 explosions involving boilers and pressure vessels, and to monitor special  
14 inspector inspections; authorizing the Chief Boiler Inspector or a deputy boiler  
15 inspector to make certain inspections involving antique and model steam boilers  
16 and pressure vessels; requiring boiler and pressure vessels to be tested and  
17 maintained in a safe operating condition in accordance with certain regulations;  
18 altering provisions of law so as to give the Commissioner of Labor and Industry  
19 jurisdiction jointly with the Board of Boiler Rules over the interpretation and  
20 application of certain boiler and pressure vessel inspection requirements;  
21 repealing certain inspection fees; adding certain inspection fees; and generally  
22 relating to boiler and pressure vessel safety.

23 BY repealing and reenacting, with amendments,  
24 Article – Public Safety  
25 Section 12–907 and 12–909  
26 Annotated Code of Maryland  
27 (2003 Volume and 2008 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 12–907.

5 (a) (1) The following entities may request the Commissioner to issue  
6 special inspector commissions:

7 (i) an authorized insurer that insures boilers and pressure  
8 vessels in the State; **OR**

9 (ii) [a person that operates pressure vessels in the State that  
10 regularly are inspected and rated by an established inspection service under the  
11 supervision of engineers whose qualifications are satisfactory to the Board and in  
12 accordance with the regulations adopted under this subtitle; or

13 (iii)] an authorized inspection agency.

14 (2) On request of an entity described in paragraph (1) of this  
15 subsection, the Commissioner may issue a special inspector commission to an  
16 individual employed by the entity to serve as a special inspector if the entity and the  
17 individual satisfy the requirements of this section.

18 (b) (1) An applicant for a special inspector commission shall be employed  
19 by the entity that requests the special inspector commission.

20 (2) [An applicant for a special inspector commission for a person that  
21 operates pressure vessels shall:

22 (i) be employed full time by the person; and

23 (ii) be responsible for making inspections of pressure vessels  
24 that are used or to be used by the person and are not for resale.

25 (3)] An applicant for a special inspector commission shall:

26 (i) [pass the examination given by the Board under subsection  
27 (e) of this section;

28 (ii) hold a commission or certificate of competency as an  
29 inspector of boilers and pressure vessels in another state that has an examination  
30 substantially equivalent to the examination given by the Board; or

1 (iii) 1.] hold a commission as an inspector of boilers and  
2 pressure vessels issued by the National Board of Boiler and Pressure Vessel  
3 Inspectors; [and] **OR**

4 [2.] **(II)** pass [the part of] the examination given by the  
5 Board [that differs from the national examination] **UNDER SUBSECTION (E) OF THIS**  
6 **SECTION.**

7 (c) (1) The employer of an applicant for a special inspector commission  
8 shall:

9 (i) submit to the Commissioner an application on the form that  
10 the Commissioner requires; and

11 (ii) pay to the Commissioner a fee of \$50.

12 (2) The application shall include:

13 (i) the name and qualifications of the individual who will serve  
14 as a special inspector; and

15 (ii) evidence that the individual satisfies the requirements of  
16 subsection (b) of this section.

17 (d) By regulation, the Commissioner shall establish insurance requirements  
18 that must be satisfied by an authorized inspection agency before a commission may be  
19 issued to an inspector employed by the authorized inspection agency.

20 (e) (1) The Board [shall] **MAY** give examinations to applicants for special  
21 inspector commissions as provided in this subsection.

22 (2) The examination:

23 (i) shall be in writing;

24 (ii) shall be limited to questions the answers to which will help  
25 to determine the fitness and competency of the individual for the intended service; and

26 (iii) may consist of questions prepared by the National Board of  
27 Boiler and Pressure Vessel Inspectors.

28 (3) (i) An applicant who fails the examination may appeal to the  
29 Board for a reexamination.

30 (ii) The reexamination shall be given by the Board within 90  
31 days.

1           (4)    The record of an applicant's examination shall be available to the  
2 applicant and the applicant's employer.

3           (5)    The fee for an examination or reexamination is \$50.

4           (f)    (1)    The Commissioner shall issue a special inspector commission to  
5 each applicant who meets the requirements of this subtitle.

6           (2)    The Commissioner may issue a special inspector commission to a  
7 representative of an employee organization covered by a collective bargaining  
8 agreement.

9           (g)    An inspection by a special inspector of a boiler or pressure vessel insured  
10 or pressure vessel operated by the employer of the special inspector, or an inspection  
11 by a special inspector employed by an authorized inspection agency, exempts the  
12 owner or user of the boiler or pressure vessel from the payment to the State of  
13 inspection fees required by this subtitle for the boiler or pressure vessel.

14          (h)    A special inspector may not receive a salary from or have any expenses  
15 paid by the State.

16          (i)    (1)    A special inspector commission expires 2 years after its effective  
17 date.

18          (2)    Before a special inspector commission expires, the employer of the  
19 special inspector may renew the commission if the employer:

20                   (i)    pays to the Commissioner a renewal fee of \$50; and

21                   (ii)   submits evidence to the Commissioner that the special  
22 inspector:

23                           1.    meets the standards imposed by this subtitle;

24                           2.    remains in the employment of the employer; and

25                           3.    has been trained on current boiler and pressure vessel  
26 technology in accordance with regulations adopted under this subtitle.

27          (j)    Within 30 days after the termination of the employment of a special  
28 inspector, the employer shall return the special inspector commission to the Chief  
29 Boiler Inspector.

30          (k)    (1)    If an identification card of a special inspector is lost or destroyed,  
31 the Commissioner shall issue a new identification card in its place without another  
32 examination.

33                   (2)    The fee for replacement of an identification card is \$50.

1           (1)   (1)   After investigation and recommendation by the Board, the  
2 Commissioner may suspend the special inspector commission for:

3                   (i)   incompetence of the special inspector;

4                   (ii)   untrustworthiness of the special inspector;

5                   (iii)   willful falsification of any matter or statement contained in  
6 the application for the special inspector commission; or

7                   (iv)   willful falsification of any matter or statement contained in  
8 a report of an inspection made by the special inspector.

9           (2)   Within 10 days after suspending a special inspector commission,  
10 the Commissioner shall give written notice of the suspension to the special inspector  
11 and the employer of the special inspector.

12           (3)   (i)   An individual whose special inspector commission has been  
13 suspended may appeal to the Board.

14                   (ii)   At the hearing on the appeal, the individual may be present  
15 and represented by counsel.

16           (4)   An individual whose special inspector commission has been  
17 suspended may apply for reinstatement of the commission after 90 days following the  
18 date of the suspension.

19           (m)   (1)   If the Board has reason to believe that a special inspector is no  
20 longer qualified to hold a commission, the Board shall hold a hearing.

21                   (2)   The Board shall give at least 10 days' written notice of the hearing  
22 to the special inspector and to the employer of the special inspector.

23                   (3)   At the hearing, the special inspector and the employer shall have  
24 an opportunity to be heard.

25                   (4)   If after the hearing the Board finds that the special inspector is no  
26 longer qualified to hold a commission:

27                           (i)   the Board shall recommend to the Commissioner that the  
28 special inspector commission be revoked; and

29                           (ii)   the Commissioner shall revoke the special inspector  
30 commission immediately.

31 12-909.

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

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

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

7 (3) a pressure vessel that:

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

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

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

16 (i) has been inspected and issued a certificate of [safety]  
17 **INSPECTION** by another state that has safety requirements equal to or greater than  
18 those of this State; and

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

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

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

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

27 (3) to make an inspection required under this subtitle; **OR**

28 (4) **TO INVESTIGATE AN INSPECTION OF A SPECIAL INSPECTOR.**

29 (c) (1) [Except as provided in paragraphs (2), (3), (4), and (5) of this  
30 subsection, the Chief Boiler Inspector or a deputy boiler inspector shall make the  
31 certificate inspections required under subsection (d) of this section.] **IN ADDITION TO**  
32 **THE CERTIFICATE INSPECTIONS REQUIRED UNDER SUBSECTION (D) OF THIS**

1 SECTION, THE CHIEF BOILER INSPECTOR OR A DEPUTY BOILER INSPECTOR  
2 SHALL:

3 (I) MAKE CERTIFICATE INSPECTIONS OF THE  
4 INSTALLATION OF NEW BOILERS AND PRESSURE VESSELS;

5 (II) INSPECT OR INVESTIGATE ACCIDENTS AND EXPLOSIONS  
6 INVOLVING BOILERS AND PRESSURE VESSELS;

7 (III) MAKE CERTIFICATE INSPECTIONS OF THE REPAIR OR  
8 ALTERATION OF BOILERS AND PRESSURE VESSELS;

9 (IV) RESPOND TO AND INVESTIGATE COMPLAINTS ABOUT  
10 THE OPERATION OF BOILERS AND PRESSURE VESSELS; AND

11 (V) MONITOR THE INSPECTIONS OF SPECIAL INSPECTORS.

12 (2) THE CHIEF BOILER INSPECTOR OR A DEPUTY BOILER  
13 INSPECTOR MAY MAKE A CERTIFICATE INSPECTION OF AN ANTIQUE BOILER OR  
14 PRESSURE VESSEL OR A MODEL STEAM BOILER.

15 [(2)] (3) [If] EXCEPT AS PROVIDED IN PARAGRAPHS (1) AND (2)  
16 OF THIS SUBSECTION, IF a boiler or pressure vessel:

17 (I) is insured by an insurer, a special inspector employed by the  
18 insurer, or EMPLOYED by an authorized inspection agency under contract with the  
19 insurer, shall make the inspections required under subsection (d) of this section; OR

20 (II) IS NOT INSURED BY AN INSURER, THE OWNER SHALL  
21 CONTRACT WITH AN AUTHORIZED INSPECTION AGENCY TO MAKE THE  
22 INSPECTIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

23 [(3) If a pressure vessel is owned or operated by a person who employs  
24 a special inspector who holds a commission, the special inspector, or a special  
25 inspector employed by an authorized inspection agency under contract with the owner  
26 or operator, shall make the inspections required under subsection (d) of this section.]

27 (4) (i) In this paragraph, "private inspector" means an individual  
28 who:

29 1. has a level II or level III certification from the  
30 American Society for Nondestructive Testing (ASNT); and

31 2. is commissioned as a special inspector by the National  
32 Board of Boiler and Pressure Vessel Inspectors.

1 (ii) If a boiler or pressure vessel is an exhibition or antique  
2 boiler or pressure vessel, including a steam or gas engine, wheat thresher, **MODEL**  
3 **STEAM BOILER**, or antique tractor, that will be used in an exhibit or show for  
4 noncommercial purposes, the inspections required under subsection (d) of this section  
5 may be made by a private inspector.

6 (iii) If a private inspector makes the inspections required under  
7 subsection (d) of this section, the private inspector shall file a report with the Chief  
8 Boiler Inspector on the results of the inspection.

9 (iv) If the report of the private inspector shows that the  
10 exhibition or antique boiler or pressure vessel complies with the requirements of  
11 subsection (d) of this section and the regulations adopted under this subtitle, the Chief  
12 Boiler Inspector shall issue a certificate to the owner or user of the exhibition or  
13 antique boiler or pressure vessel that authorizes it to be used in an exhibit or show for  
14 noncommercial purposes.

15 (5) If a boiler or pressure vessel is not insured by an insurer, the  
16 Commissioner may contract with an insurer or an authorized inspection agency to  
17 have a special inspector who is employed by that insurer or authorized inspection  
18 agency make the inspections required under **PARAGRAPH (1) OF THIS SUBSECTION**  
19 **AND** subsection (d) of this section **OR CONDUCTED UNDER PARAGRAPH (2) OF THIS**  
20 **SUBSECTION.**

21 (d) (1) Except for boilers and pressure vessels exempt under subsection  
22 (a) of this section or § 12-903 of this subtitle, each boiler and each pressure vessel that  
23 is used or proposed to be used in the State shall be inspected [thoroughly as to its  
24 construction, installation, and condition in accordance with this subsection], **TESTED,**  
25 **AND MAINTAINED IN A SAFE OPERATING CONDITION IN ACCORDANCE WITH**  
26 **REGULATIONS ADOPTED BY THE COMMISSIONER.**

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] **THE CHIEF BOILER INSPECTOR OR**  
5 **A DEPUTY BOILER** inspector [authorized to inspect boilers and pressure vessels in the  
6 State]; or

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

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

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

16                  (h) (1) The Board **AND THE COMMISSIONER** shall provide for public  
17 safety and therefore [has] **HAVE** jurisdiction over the interpretation and application of  
18 the inspection requirements provided in the regulations adopted under this subtitle.

19                  (2) Inspection requirements of operating equipment shall:

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

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

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

24                                 2. location, with respect to personnel hazard;

25                                 3. provision for related safe operation of controls; and

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

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

32                         (1) certificate inspection:

1 (i) initial certificate inspection of a boiler or pressure vessel not  
2 previously inspected in the State..... [no charge] **\$40**

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 date....\$10]

10 (II) REPAIR INSPECTION ..... **\$50**

11 [(v)] (III) follow-up inspection to determine  
12 compliance.....\$50

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2009.