

SENATE BILL 561

E4

9lr0144

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2009

CHAPTER _____

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, a deputy boiler
15 inspector, a special inspector, or an authorized inspection agency to make
16 certain inspections with respect to the installation, repair, or alteration of
17 boilers and pressure vessels; authorizing the Chief Boiler Inspector or a deputy
18 boiler inspector to make certain inspections involving antique and model steam
19 boilers and pressure vessels; requiring boiler and pressure vessels to be tested
20 and maintained in a safe operating condition in accordance with certain
21 regulations; ~~altering provisions of law so as to give the Commissioner of Labor~~
22 ~~and Industry jurisdiction jointly with the Board of Boiler Rules over the~~
23 ~~interpretation and application of certain boiler and pressure vessel inspection~~
24 ~~requirements~~; repealing certain inspection fees; adding certain inspection fees;
25 requiring certain insurers to develop, maintain, and make available to the

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.



Commissioner of Labor and Industry for inspection in a certain location a certain quality assurance program or to submit to the Chief Boiler Inspector certain evidence of certain accreditation; requiring the Chair of the Board of Boiler Rules to convene a certain workgroup to develop recommendations regarding certain changes to the Boiler and Pressure Vessel Safety Act on or before a certain date; and generally relating to boiler and pressure vessel safety.

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 12-907 ~~and~~, 12-909, and 12-913(a)
 Annotated Code of Maryland
 (2003 Volume and 2008 Supplement)

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

Article – Public Safety

12-907.

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

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

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

(iii)] an authorized inspection agency.

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

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

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

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

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

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

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

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

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

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

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

17 (i) submit to the Commissioner an application on the form that
18 the Commissioner requires; and

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

20 (2) The application shall include:

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

23 (ii) evidence that the individual satisfies the requirements of
24 subsection (b) of this section.

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

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

30 (2) The examination:

31 (i) shall be in writing;

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

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

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

7 (ii) The reexamination shall be given by the Board within 90
8 days.

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

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

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

14 (2) The Commissioner may issue a special inspector commission to a
15 representative of an employee organization covered by a collective bargaining
16 agreement.

17 (g) An inspection by a special inspector of a boiler or pressure vessel insured
18 or pressure vessel operated by the employer of the special inspector, or an inspection
19 by a special inspector employed by an authorized inspection agency, exempts the
20 owner or user of the boiler or pressure vessel from the payment to the State of
21 inspection fees required by this subtitle for the boiler or pressure vessel.

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

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

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

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

29 (ii) submits evidence to the Commissioner that the special
30 inspector:

31 1. meets the standards imposed by this subtitle;

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

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

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

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

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

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

12 (i) incompetence of the special inspector;

13 (ii) untrustworthiness of the special inspector;

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

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

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

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

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

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

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

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

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

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

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

5 (ii) the Commissioner shall revoke the special inspector
6 commission immediately.

7 12-909.

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

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

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

14 (3) a pressure vessel that:

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

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

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

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

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

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

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

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

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

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

5 (c) (1) [Except as provided in paragraphs (2), (3), (4), and (5) of this
 6 subsection, the Chief Boiler Inspector or a deputy boiler inspector shall make the
 7 certificate inspections required under subsection (d) of this section.] **IN ADDITION TO**
 8 **THE CERTIFICATE INSPECTIONS REQUIRED UNDER SUBSECTION (D) OF THIS**
 9 **SECTION, THE CHIEF BOILER INSPECTOR OR A DEPUTY BOILER INSPECTOR**
 10 **SHALL:**

11 (I) ~~MAKE CERTIFICATE INSPECTIONS OF THE~~
 12 ~~INSTALLATION OF NEW BOILERS AND PRESSURE VESSELS;~~

13 ~~(II)~~ **INSPECT OR INVESTIGATE ACCIDENTS AND EXPLOSIONS**
 14 **INVOLVING BOILERS AND PRESSURE VESSELS;**

15 ~~(III) MAKE CERTIFICATE INSPECTIONS OF THE REPAIR OR~~
 16 ~~ALTERATION OF BOILERS AND PRESSURE VESSELS;~~

17 ~~(IV)~~ **(II) RESPOND TO AND INVESTIGATE COMPLAINTS**
 18 **ABOUT THE OPERATION OF BOILERS AND PRESSURE VESSELS; AND**

19 ~~(V)~~ **(III) MONITOR THE INSPECTIONS OF SPECIAL**
 20 **INSPECTORS.**

21 **(2) THE CHIEF BOILER INSPECTOR, A DEPUTY BOILER**
 22 **INSPECTOR, A SPECIAL INSPECTOR, OR AN AUTHORIZED INSPECTION AGENCY**
 23 **MAY:**

24 **(I) MAKE CERTIFICATE INSPECTIONS OF THE**
 25 **INSTALLATION OF NEW BOILERS AND PRESSURE VESSELS; AND**

26 **(II) MAKE CERTIFICATE INSPECTIONS OF THE REPAIR OR**
 27 **ALTERATION OF BOILERS AND PRESSURE VESSELS.**

28 ~~(2)~~ **(3) THE CHIEF BOILER INSPECTOR OR A DEPUTY BOILER**
 29 **INSPECTOR MAY MAKE A CERTIFICATE INSPECTION OF AN ANTIQUE BOILER OR**
 30 **PRESSURE VESSEL OR A MODEL STEAM BOILER.**

31 **[(2)]** ~~(3)~~ **(4)** **[If] EXCEPT AS PROVIDED IN PARAGRAPHS (1) AND** ~~(2)~~
 32 **THROUGH (3) OF THIS SUBSECTION, IF a boiler or pressure vessel:**

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

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

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

11 ~~(4)~~ **(5)** (i) In this paragraph, “private inspector” means an individual
 12 who:

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

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

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

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

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

31 ~~(5)~~ **(6)** If a boiler or pressure vessel is not insured by an insurer, the
 32 Commissioner may contract with an insurer or an authorized inspection agency to
 33 have a special inspector who is employed by that insurer or authorized inspection
 34 agency make the inspections required under **PARAGRAPH (1) OF THIS SUBSECTION**
 35 **AND** subsection (d) of this section **OR CONDUCTED UNDER PARAGRAPH (2) OR (3)**
 36 **OF THIS SUBSECTION.**

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

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

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

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

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

12 1. receive a certificate inspection annually; and

13 2. be externally inspected annually while under
14 pressure, if possible.

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

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

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

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

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

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

32 (5) (i) Except as provided in paragraph (3) of this subsection,
33 certificate inspections shall be conducted at time intervals set forth in regulations

1 adopted under this subtitle and in accordance with Title 10 of the State Government
2 Article.

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

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

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

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

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

20 (i) during construction or field assembly, as required by
21 regulations adopted under this subtitle, by [an] ~~THE CHIEF BOILER INSPECTOR OR,~~
22 ~~A DEPUTY BOILER~~ inspector, A SPECIAL INSPECTOR, OR AN AUTHORIZED
23 INSPECTION AGENCY [authorized to inspect boilers and pressure vessels in the
24 State]; or

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

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

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

34 (h) (1) The Board ~~AND THE COMMISSIONER~~ shall provide for public
35 safety and therefore ~~has~~ ~~HAVE~~ jurisdiction over the interpretation and application of
36 the inspection requirements provided in the regulations adopted under this subtitle.

- 1 (2) Inspection requirements of operating equipment shall:
- 2 (i) be in accordance with generally accepted practice; and
- 3 (ii) be compatible with the actual service conditions, including:
- 4 1. previous experience, based on records of performance
- 5 and maintenance;
- 6 2. location, with respect to personnel hazard;
- 7 3. provision for related safe operation of controls; and
- 8 4. interrelation with other operations outside the scope
- 9 of this subtitle.

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

- 14 (1) certificate inspection:
- 15 (i) initial certificate inspection of a boiler or pressure vessel not
- 16 previously inspected in the State..... [no charge] **\$40**
- 17 [(ii) certificate inspection of a boiler or pressure vessel, other
- 18 than a pressure vessel attached to an air compressor, previously inspected in the
- 19 State.....\$40
- 20 (iii) certificate inspection of a pressure vessel, attached to an air
- 21 compressor, previously inspected in the State \$10
- 22 (iv) certificate inspection of an additional boiler or pressure
- 23 vessel previously inspected in the State, at the same location, on the same date....\$10]
- 24 (II) **REPAIR INSPECTION \$50**
- 25 [(v)] (III) follow-up inspection to determine
- 26 compliance.....\$50
- 27 (2) inspection of an antique or model steam boiler or pressure
- 28 vessel.....\$15
- 29 (3) investigation of an accident or complaint..... no charge

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

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

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

7 12-913.

8 (a) An authorized insurer that provides insurance coverage for boilers or
 9 pressure vessels in the State shall:

10 (1) conduct the certificate inspection for each boiler and pressure
 11 vessel that the insurer insures by the date the certificate inspection is due;

12 (2) file with the Chief Boiler Inspector the reports required under §
 13 12-910 of this subtitle;

14 (3) develop, maintain, submit, and update, as defined by regulation, a
 15 database of all boilers and pressure vessels that the insurer insures in the State and
 16 track the date when the certificate inspection for each boiler or pressure vessel is due
 17 to ensure that the certificate inspections are due and completed as required under this
 18 subtitle; and

19 (4) **(I)** develop, maintain, and make available to the Commissioner
 20 **FOR INSPECTION AT THE INSURER'S PLACE OF BUSINESS IN THE STATE** a quality
 21 assurance program in accordance with regulations adopted under this subtitle; **OR**

22 **(II)** SUBMIT TO THE CHIEF BOILER INSPECTOR EVIDENCE
 23 **OF NB-369 ACCREDITATION BY THE NATIONAL BOARD OF BOILER**
 24 **INSPECTORS.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Chair of the Board of
 26 Boiler Rules shall convene a workgroup consisting of members of the Board and
 27 including the participation of interested stakeholders to recommend changes needed to
 28 update the Boiler and Pressure Vessel Safety Act, codified under Title 12, Subtitle 9 of
 29 the Public Safety Article of the Annotated Code, in order to develop recommendations
 30 for policy and legislative changes to provide for public safety and make the Act
 31 consistent with current practice. On or before October 1, 2009, the workgroup shall
 32 submit a written report containing its recommendations to the Commissioner of Labor
 33 and Industry.

34 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 35 effect ~~October~~ June 1, 2009.