

Chapter 387

(House Bill 85)

AN ACT concerning

Commissioner of Labor and Industry – Boiler and Pressure Vessel Safety Act

FOR the purpose of altering the boiler and pressure vessel safety law relating to applicants for a special inspector commission by repealing certain eligibility requirements; repealing a requirement that the Commissioner of Labor and Industry establish certain insurance requirements by regulation; authorizing, instead of requiring, the Board of Boiler Rules to give examinations to applicants for special inspector commissions; repealing a certain provision authorizing the Commissioner to issue a certain special inspector commission; providing that the Chief Boiler Inspector or a deputy boiler inspector shall have free access under certain circumstances to any premises in the State to investigate the activities of a special inspector; requiring the Chief Boiler Inspector or a deputy boiler inspector to make certain inspections, to respond to and investigate certain complaints, to inspect or investigate accidents or explosions involving boilers and pressure vessels, and to monitor special inspector inspections; authorizing the Chief Boiler Inspector, a deputy boiler inspector, a special inspector, or an authorized inspection agency to make certain inspections with respect to the installation, repair, or alteration of boilers and pressure vessels; authorizing the Chief Boiler Inspector or a deputy boiler inspector to make certain inspections of antique or model steam boilers and pressure vessels; requiring the owner of an uninsured boiler or pressure vessel to contract with the Chief Boiler Inspector, a deputy boiler inspector, a special inspector, or an authorized inspection agency to make certain inspections; requiring boiler and pressure vessels to be tested and maintained in a safe operating condition in accordance with certain regulations; repealing certain inspection fees; ~~adding certain inspection fees;~~ altering certain provisions to require only an authorized inspection agency to file with the Chief Boiler Inspector a certain report and a certain notification and to pay a certain filing fee; ~~requiring the owner or user of a boiler or pressure vessel to pay a certain fee for a certificate of inspection;~~ requiring certain insurers to develop, maintain, and make available to the Commissioner of Labor and Industry for inspection at the insurer's place of business a certain quality assurance program or to submit to the Chief Boiler Inspector evidence of certain accreditation; and generally relating to boilers and pressure vessels.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12-907, 12-909, 12-910(a), ~~12-911,~~ and 12-913(a)

Annotated Code of Maryland

(2003 Volume and 2009 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

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

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

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

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

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

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

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

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

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

(2) The application shall include:

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

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

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

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

(2) The examination:

(i) shall be in writing;

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

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

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

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

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

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

~~(E)~~ ~~(4)~~ **(E)** The Commissioner shall issue a special inspector commission to each applicant who meets the requirements of this subtitle.

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

~~(E)~~ **(F)** An inspection by a special inspector of a boiler or pressure vessel insured or pressure vessel operated by the employer of the special inspector, or an inspection by a special inspector employed by an authorized inspection agency, exempts the owner or user of the boiler or pressure vessel from the payment to the State of inspection fees required by this subtitle for the boiler or pressure vessel.

~~(E)~~ **(G)** A special inspector may not receive a salary from or have any expenses paid by the State.

~~(E)~~ **(H)** (1) A special inspector commission expires 2 years after its effective date.

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

- (i) pays to the Commissioner a renewal fee of \$50; and
- (ii) submits evidence to the Commissioner that the special inspector:
 1. meets the standards imposed by this subtitle;
 2. remains in the employment of the employer; and
 3. has been trained on current boiler and pressure vessel technology in accordance with regulations adopted under this subtitle.

~~(E)~~ **(I)** Within 30 days after the termination of the employment of a special inspector, the employer shall return the special inspector commission to the Chief Boiler Inspector.

~~(I)~~ **(J)**(1) If an identification card of a special inspector is lost or destroyed, the Commissioner shall issue a new identification card in its place without another examination.

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

~~(J)~~ **(K)**(1) After investigation and recommendation by the Board, the Commissioner may suspend the special inspector commission for:

(i) incompetence of the special inspector;

(ii) untrustworthiness of the special inspector;

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

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

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

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

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

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

~~(K)~~ **(L)**(1) If the Board has reason to believe that a special inspector is no longer qualified to hold a commission, the Board shall hold a hearing.

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

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

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

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

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

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] **INSPECTION** 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; **OR**

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

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

(I) **INSPECT OR INVESTIGATE ACCIDENTS AND EXPLOSIONS INVOLVING BOILERS AND PRESSURE VESSELS;**

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

(III) **MONITOR THE INSPECTIONS OF SPECIAL INSPECTORS.**

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

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

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

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

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

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

(II) **IS NOT INSURED BY AN INSURER, THE OWNER SHALL CONTRACT WITH THE CHIEF BOILER INSPECTOR, A DEPUTY BOILER INSPECTOR, A SPECIAL INSPECTOR, OR AN AUTHORIZED INSPECTION AGENCY**

TO 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, or a special inspector employed by an authorized inspection agency under contract with the owner or operator, shall make the inspections required under subsection (d) of this section.]

[(4) (5) (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, **MODEL STEAM BOILER**, 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.

(iii) If a 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.

(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.

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

(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], **TESTED,**

AND MAINTAINED IN A SAFE OPERATING CONDITION IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE COMMISSIONER IN CONJUNCTION WITH THE BOARD.

(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] **THE CHIEF BOILER INSPECTOR, A DEPUTY BOILER INSPECTOR, A SPECIAL INSPECTOR, OR AN AUTHORIZED INSPECTION AGENCY**; 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 of 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~~ **\$40**

[(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]

(II) REPAIR INSPECTION \$50

~~[(*) (III)]~~ 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] **OTHER INSPECTIONS**, 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

12-910.

(a) (1) Each [authorized insurer, or] authorized inspection agency[,] that employs a special inspector shall file with the Chief Boiler Inspector a report on:

- (i) each certificate inspection; and
- (ii) any other inspection for which a report is required to be filed under regulations adopted under this subtitle.

(2) The report filed under paragraph (1) of this subsection shall:

- (i) be filed within 30 days after an inspection; and
- (ii) be in the form required by regulations adopted under this subtitle.

(3) For each report not filed electronically, the authorized [insurer] INSPECTION AGENCY shall pay a \$5 report filing fee.

(4) Within 24 hours after an inspection, each [authorized insurer, or] authorized inspection agency[,] that employs a special inspector shall notify the Chief Boiler Inspector if an inspection reveals a hazardous condition as described in § 12-915(a)(2) of this subtitle that affects the safety of a boiler or pressure vessel.

~~12-911.~~

~~(a) If the report filed in accordance with § 12-910(a) of this subtitle shows that a boiler or pressure vessel complies with regulations adopted under this subtitle, the Chief Boiler Inspector, ON RECEIPT FROM THE OWNER OR USER OF A BOILER OR PRESSURE VESSEL OF PAYMENT FOR A CERTIFICATE FEE IN THE AMOUNT REQUIRED BY SUBSECTION (B) OF THIS SECTION, shall issue to the owner or user of the boiler or pressure vessel a certificate that bears the date of inspection, specifies the inspection interval, and specifies the maximum pressure under which the boiler or pressure vessel may be operated.~~

~~(B) AN OWNER OR USER OF A BOILER OR PRESSURE VESSEL SHALL PAY A FEE OF \$40 FOR THE CERTIFICATE.~~

~~[(b)](C)~~ Except as provided in ~~§ 12-909(d)(3)~~ of this subtitle, the certificate is valid for the period that corresponds to the interval between certificate inspections as established by regulation under ~~§ 12-909~~ of this subtitle.

~~[(e)](D)~~ If the certificate inspection interval for a boiler or pressure vessel is extended under ~~§ 12-909(d)(5)~~ of this subtitle, the Chief Boiler Inspector shall promptly issue a certificate to the owner of the boiler or pressure vessel that bears the new expiration date.

~~[(d)](E)~~ (1) The certificate shall be posted under glass in the room that contains the boiler or pressure vessel that was inspected.

~~(2)~~ If the boiler or pressure vessel is not located in a building, the certificate shall be posted in a location convenient to the boiler or pressure vessel that was inspected or in any place where the certificate will be accessible to interested parties.

~~[(e)](F)~~ (1) The Chief Boiler Inspector or an authorized deputy boiler inspector may suspend a certificate at any time when, in the opinion of the inspector, the boiler or pressure vessel for which the certificate was issued:

- ~~(i)~~ cannot be operated without danger to public safety; or
- ~~(ii)~~ is found not to comply with regulations adopted under this subtitle.

~~(2)~~ The suspension of a certificate continues until:

- ~~(i)~~ the boiler or pressure vessel is made to conform to the regulations adopted under this subtitle; and
- ~~(ii)~~ the certificate is reinstated.

~~[(f)](G)~~ If a boiler or pressure vessel for which a certificate was issued based on the report of a special inspector ceases to be insured by an authorized insurer, the certificate is invalid.

12-913.

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

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

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

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

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

(II) SUBMIT TO THE CHIEF BOILER INSPECTOR EVIDENCE OF NB-369 ACCREDITATION BY THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.