

HOUSE BILL 1274

E4

8lr2565

By: **Delegates Haddaway, Eckardt, Bates, Elmore, Feldman, George, Harrison, Hecht, Impallaria, Jennings, King, Kipke, Kirk, Krebs, Kullen, Manno, McComas, McHale, Miller, Myers, Norman, O'Donnell, Schuh, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stull, Walkup, and Wood**

Introduced and read first time: February 8, 2008

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 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 repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 12–909
15 Annotated Code of Maryland
16 (2003 Volume and 2007 Supplement)

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

19 **Article – Public Safety**

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 12-909.

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

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

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

8 (3) a pressure vessel that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **(HH) (IV) IF THE REPORT OF THE PRIVATE INSPECTOR**
25 **SHOWS THAT THE EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL**
26 **COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION AND**
27 **THE REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE CHIEF BOILER**
28 **INSPECTOR SHALL ISSUE A CERTIFICATE TO THE OWNER OR USER OF THE**
29 **EXHIBITION OR ANTIQUE BOILER OR PRESSURE VESSEL THAT AUTHORIZES IT**
30 **TO BE USED IN AN EXHIBIT OR SHOW FOR NONCOMMERCIAL PURPOSES.**

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

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

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

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

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

4 1. receive a certificate inspection annually; and

5 2. be externally inspected annually while under
6 pressure, if possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) Inspection requirements of operating equipment shall:

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

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

29 1. previous experience, based on records of performance
30 and maintenance;

31 2. location, with respect to personnel hazard;

32 3. provision for related safe operation controls; and

33 4. interrelation with other operations outside the scope
34 of this subtitle.

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

5 (1) certificate inspection:

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

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

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

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

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

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

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

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

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

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

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