

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1494

By: Coates of the Senate

and

Erwin and Mitchell of the  
House

COMMITTEE SUBSTITUTE

[ labor - Boiler and Pressure Vessel Safety Act -  
rules and regulations - fees -

effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2001, Section 141.1, as amended by Section 1, Chapter 101, O.S.L. 2003 (40 O.S. Supp. 2003, Section 141.1), is amended to read as follows:

Section 141.1 ~~This act~~ Sections 141.1 through 141.20 of this title shall be known and may be cited as the "Boiler and Pressure Vessel Safety Act", and, except as otherwise herein provided, shall apply to all boilers and pressure vessels. For the purpose of ~~this act~~ the Boiler and Pressure Vessel Safety Act, the following definitions apply:

1. "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum, for external use to itself, by the direct application of heat. The term "boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and complete within themselves:

- a. "power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than fifteen (15) pounds per square inch gauge, or as further defined in American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section I,
- b. "high-temperature water boiler" means a water boiler intended for operation at pressures in excess of one hundred sixty (160) pounds per square inch gauge; or temperatures in excess of two hundred fifty degrees Fahrenheit (250° F), or as further defined in American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section I,
- c. "low pressure steam boiler" means a steam boiler operating at pressures not exceeding fifteen (15) pounds per square inch gauge, or as further defined in American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section IV,
- d. "hot water heating boiler" means a heating boiler operating at pressures not exceeding one hundred sixty (160) pounds per square inch gauge - one thousand one hundred three (1,103) kilopascals and/or temperatures not exceeding two hundred fifty degrees Fahrenheit (250° F), one hundred twenty-one degrees Celsius (121° C), at or near the boiler outlet, or as further defined in American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section IV,
- e. "hot water supply boiler" means a supply boiler operating at pressures not exceeding one hundred sixty (160) pounds per square inch gauge - one thousand one hundred three (1,103) kilopascals and/or temperatures not exceeding two hundred fifty degrees Fahrenheit (250° F), one hundred twenty-one degrees

Celsius (121° C), at or near the boiler outlet, or as further defined in American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section IV, and

f. "hot water supply heater" means a closed vessel in which water is heated by the combustion of fuels, electricity or any other source and withdrawn for use external to the system at pressures not exceeding one hundred sixty (160) pounds per square inch gauge and shall include all controls and devices necessary to prevent water temperature from exceeding two hundred ten degrees Fahrenheit (210° F), ninety-eight point nine degrees Celsius (98.9°C);

2. "Pressure vessel" means a vessel in which pressure is obtained from an external source or by the application of heat other than those vessels defined in paragraph 1 of this section or as further defined in American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section VIII, Division I, II or III;

3. "Certificate of operation" means an annual certificate, unless otherwise provided for in ~~this act~~ the Boiler and Pressure Vessel Safety Act, issued by the Commissioner of Labor permitting the operation of a boiler or pressure vessel which has been inspected as provided for in ~~this act~~ the Boiler and Pressure Vessel Safety Act;

4. "Steam lines" means piping of welded construction in which steam is contained and/or transported at a pressure in excess of fifteen (15) pounds per square inch gauge; ~~and~~

5. "Commissioner" means the Commissioner of Labor or the Commissioner's duly authorized representative;

6. "Repair" means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition or as further defined in the National Board Inspection Code or API-510;

7. "Repair firms" means those firms, corporations or persons licensed by the Commissioner of Labor to perform installation, service, repair and/or alterations to boilers and pressure vessels covered by the Boiler and Pressure Vessel Safety Act;

8. "Service" means to perform routine periodic maintenance to boilers and pressure vessels covered by the Boiler and Pressure Vessel Safety Act, such as, but not limited to, adjusting, tuning, chemically treating, testing and cleaning and/or painting;

9. "Installation" means to connect and/or reconnect any boiler or pressure vessel covered by the Boiler and Pressure Vessel Safety Act to the piping systems associated with the operation of the unit. Installation of a boiler or pressure vessel may include the delivery and placement of the unit at its final location and the connection of electrical wiring;

10. "Boiler Operator License" means a license issued by the Commissioner of Labor to a person that has demonstrated proficiency in the operation of boilers as specified in the rules set out in Section 2 of this act; and

11. "Installer technician license" means a license issued by the Commissioner of Labor to a person engaged in the repair, service and/or installation of boilers and pressure vessels covered by the Boiler and Pressure Vessel Safety Act who is not performing such work under the direct supervision of a licensed person.

SECTION 2. AMENDATORY 40 O.S. 2001, Section 141.3, is amended to read as follows:

Section 141.3 A. ~~Formulation.~~ The Commissioner of Labor shall formulate and adopt definitions, promulgate rules and regulations for the safe construction, installation, inspection, operation, maintenance and repair of boilers and pressure vessels and for licensing related to the safe construction, installation, inspection, operation, maintenance and repair of boilers and pressure vessels in this state.

1. The definitions, rules ~~and regulations~~ so formulated for new construction shall be based upon and follow generally accepted national engineering standards, formula and practices related to boiler and pressure vessel construction and safety. The Commissioner of Labor may adopt an existing American National Standard known as the Boiler and Pressure Code of the American Society of Mechanical Engineers, with the addenda and code cases, and may also adopt subsequent revisions in the form of addenda and code cases of that standard provided such revisions are acceptable to the Commissioner. When so adopted, the same shall be deemed incorporated into, and to constitute a part of the whole of the definitions, rules ~~and regulations~~ of the Commissioner of Labor;

2. The Commissioner of Labor shall formulate rules ~~and regulations~~ to ensure that boiler and pressure vessel manufacturers, jobbers, dealers or ~~individuals~~ persons selling, renting or leasing or offering for sale, rent or lease or operation, any boiler or pressure vessel which is within the scope of ~~this act~~ the Boiler and Pressure Vessel Safety Act meets the requirements of ~~this act~~ the Boiler and Pressure Vessel Safety Act, rules ~~and regulations~~ hereinafter adopted. Any manufacturer, jobber, dealer or ~~individual~~ person found to be in violation of this section shall be subject to any current penalty as herein provided;

3. The Commissioner of Labor shall formulate rules ~~and regulations~~ which may permit the use of boilers and pressure vessels which were in operation in this state prior to the date upon which the first rules ~~and regulations~~ under ~~this act~~ the Boiler and Pressure Vessel Safety Act pertaining to existing installations become effective, or during the twelve-month period immediately thereafter; ~~and~~

4. The Commissioner of Labor shall formulate rules which may permit the licensing of all firms, corporations and persons engaged in the trade of repair, service and installation of boilers and

pressure vessels, the licensing of installation technicians and the licensing of boiler operators; and

5. The rules for inspection, maintenance and repair of installed boilers and pressure vessels shall be based upon and follow generally accepted national standards as promulgated by the National Board of Boiler and Pressure Vessel Inspectors or by the American Petroleum Institute Pressure Vessel Inspection Code as a minimum as relates to boiler and pressure vessels.

B. ~~Promulgation.~~ The rules ~~and regulations~~ and any subsequent amendments thereto formulated or adopted by the Commissioner of Labor shall be ~~adopted~~ promulgated in accordance with the Oklahoma Administrative Procedures Act, except that the rules applying to the construction of new boilers and pressure vessels shall not become mandatory until six (6) months after their promulgation by the Commissioner.

SECTION 3. AMENDATORY 40 O.S. 2001, Section 141.6, is amended to read as follows:

Section 141.6 A. All firms ~~or~~, corporations or persons engaged in the service, repair and/or installation of boilers or pressure vessels located in this state shall be licensed by the Commissioner of Labor to perform such work. Provided, no license shall be required for ~~any~~:

1. Any firms or corporations engaged in the service, repair and/or installation of hot water supply heaters as provided in ~~paragraph 12 of subsection A of Section 2 of this act.~~ Section 141.2 of this title;

2. Employees or contractors of public utilities, public service corporations, intrastate gas pipeline companies, gas gathering pipeline companies, gas processing companies, rural electric associations, or municipal utilities and their subsidiaries during work on their own facilities or during the performance of energy

audits, operational inspections, minor maintenance, or minor repairs for their customers or their own equipment; and

3. Employees or contractors of chemical plants, gas processing plants, and petroleum refineries during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment, the performance of which does not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state rules and federal regulations.

B. The Commissioner ~~of Labor~~ shall abide by any existing code of installation presently adopted or as may be hereinafter adopted by this state or its agencies or by any county, municipality or school district as pertains to hot water supply heaters.

C. The annual license fee shall be payable in advance on or before January 31 of each calendar year. Each firm ~~or~~, corporation or person must furnish evidence suitable to the Commissioner that they are qualified to perform such work.

~~B.~~ D. All hearings for the issuance or revocations of license under this section shall comply with the Oklahoma Administrative Procedures Act.

~~C.~~ E. Any person who shall violate any of the provisions of ~~this act~~ the Boiler and Pressure Vessel Safety Act or who violates any rule or order of the Commissioner pursuant to ~~this act~~ the Boiler and Pressure Vessel Safety Act shall, upon conviction thereof, be guilty of a misdemeanor, and in addition thereto, may be enjoined from continuing such action. Each day upon which such violation occurs shall constitute a separate violation.

SECTION 4. AMENDATORY 40 O.S. 2001, Section 141.16, is amended to read as follows:

Section 141.16 A. ~~Schedule of Fees 1.~~

1. a. Annual certificate of operation fee shall be as follows:

a.	<u>(1)</u> with manway state inspector	\$50.00
b.	<u>(2)</u> without manway state inspector	\$25.00
c.	<u>(3)</u> any size special - or owner/user inspector	\$25.00

Note:

b. Only one certificate of operation fee per year may be charged; except an additional fee equal to the certificate of operation fee may be charged for witnessing a hydrostatic test required after repairs, provided a fee equal to the total fees identified in division (1) or (2) of subparagraph a of this paragraph, whichever is appropriate, and subparagraph f of paragraph 2 of this subsection may be charged when the pressure-retaining item is not prepared and ready pursuant to rules promulgated by the Commissioner of Labor at the time of the inspection.

2. Other Fees

a.	hydrostatic test of steam pipeline per day (for each additional half-day or part thereof)	\$150.00  \$75.00
b.	shop review <u>fees</u>	\$1,250.00
c.	licensing <del>fee</del> <u>fees</u>	<del>\$50.00</del>
	<u>(1) repair, service, install (annually)</u>	<u>\$50.00</u>
	<u>(2) installer technician (one-time issuance)</u>	<u>\$50.00</u>
	<u>(3) boiler operator (biennially)</u>	<u>\$50.00</u>
d.	certificate of competency fee	\$15.00
e.	examination fee	\$50.00
f.	boiler or pressure vessel inspection fee for certificate inspections by state inspectors	\$100.00



- g. authorized inspector services for weld repairs or alterations, per eight-hour day or part thereof \$300.00
- h. a fee as established by rule may be assessed for the issuance of duplicate licenses and certificates, not to exceed \$10.00

B. ~~Exemptions.~~ All institutions owned or operated by the State of Oklahoma or its agencies or by any county, municipality or school district, and such institutions or agencies, and all owners or users of boilers or pressure vessels of historical significance as specified in subsection D of Section 141.5 of this title are exempt from the payment of any fees provided for ~~herein~~ in this section.

C. ~~Disposition of fees.~~ 1. The Commissioner ~~of Labor~~ shall account for and transfer all fees, except for shop review fees, boiler operator license fees and authorized inspector services fees, so received to the State Treasury to the credit of the General Revenue Fund, together with a detailed report of same.

2. Shop review fees, boiler operator license fees and authorized inspector services fees shall be deposited to the Department of Labor Revolving Fund created pursuant to Section 141.19 of this title.

3. The shop review fees, boiler operator license fees and authorized inspector services fees shall be used for conducting shop reviews, authorized inspector services and for administrative costs pertaining to shop reviews, boiler operator licensing and authorized inspector services.

D. All fees shall be paid directly to the Department of Labor.

SECTION 5. This act shall become effective November 1, 2004.