

ENROLLED SENATE
BILL NO. 10

By: Coates of the Senate

and

Calvey of the House

An Act relating to labor; amending 40 O.S. 2001, Section 141.1, which relates to the Boiler and Pressure Vessel Safety Act; clarifying measurement; amending 59 O.S. 2001, Sections 1633 and 1634, which relate to the Oklahoma Welding Act; updating references; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2001, Section 141.1, is amended to read as follows:

Section 141.1 This act 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 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), ~~one hundred twenty-one degrees Celsius (121° C)~~ 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;

3. "Certificate of operation" means an annual certificate, unless otherwise provided for in this 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;

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 ~~his~~ the Commissioner's duly authorized representative.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1633, is amended to read as follows:

Section 1633. A. The welding inspector shall be recertified upon payment of the current fee and successful reexamination of complete facilities every year. However, renewal applicants who attest to continual or uninterrupted activity in the practice of welding inspection and who recompile with the provisions of Sections ~~141~~ 141.1 through ~~147~~ 141.20 of Title 40 of the Oklahoma Statutes and ~~rule number 36 of the Oklahoma Boiler Code Manual~~ 380:25-13-3 of the Oklahoma Administrative Code shall be recertified upon payment of the current certification fee without reexamination.

B. Application for renewal of a certification that has expired shall be considered a new application.

C. The welding inspector shall be responsible for maintaining a current address with the State Department of Labor, Boiler Inspector Department, for mailing of renewal notices.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 1634, is amended to read as follows:

Section 1634. A. The following ~~United States of America National Standard Institute~~ American Society of Mechanical Engineers Codes, based upon the latest edition, shall be the piping codes for this state:

1. The power piping code, ASME B31.1;
2. The fuel gas piping code, ASME B31.2;
3. The gas transmission and distribution piping system code, ASME B31.8;
4. The ~~petroleum refining process~~ process piping code, ASME B31.3; and
5. The ~~liquid petroleum transportation piping system~~ liquid transportation systems for hydrocarbons, liquid petroleum gas, anhydrous ammonia and alcohols code, ASME 31.4.

The provisions of this act shall apply only to weldments required by the above codes.

B. All welders prior to performing weldments within this state on any piping enumerated in subsection A shall be tested, qualified and certified by the Commissioner of Labor pursuant to this act.

C. It shall be mandatory upon the owner, or a contractor to whom a contract is awarded and upon any welders wherein welders are to perform weldments on any piping enumerated in subsection A, upon any subcontractor under ~~him~~ the owner or a contractor, to ~~insure~~ ensure that all welders performing weldments within this state shall be certified by the Commissioner of Labor before any weldments are fabricated.

D. Penalties:

1. Any welder who violates or omits to comply with any of the provisions of this section, and any officer, agent or representative

of any owner or any contractor or subcontractor who violates or omits to comply with any of the provisions of this section shall be subjected to the penalties provided in this title.

2. The Commissioner of Labor is empowered to issue cease and desist orders against violations of this act until such time as compliance of the law is met. If an owner, welder, contractor and/or subcontractor fails to obey the orders issued by the Commissioner of Labor, the Attorney General shall review the case and initiate necessary proceedings for contempt of the Commissioner's order and/or ask for an injunction in the district court as deemed appropriate to the facts of the case.

3. No person, firm or corporation or agent thereof shall in any manner interfere with the performance of the duties of any inspector or representative of the Commissioner of Labor for the implementation of this act.

SECTION 4. This act shall become effective November 1, 2003.

Passed the Senate the 11th day of March, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 9th day of April, 2003.

Presiding Officer of the House
of Representatives

