

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 HOUSE BILL 2344

By: Roberts (Dustin) of the
House

5 and

6 Simpson of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to labor; amending 40 O.S. 2011,
11 Section 141.9 and 141.16, which relate to the Boiler
12 and Pressure Vessel Safety Act; removing certain
13 requirements for inspection agencies; modifying
renewal of certificates of competency; removing
certain fee; and providing an effective date.

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

17 SECTION 1. AMENDATORY 40 O.S. 2011, Section 141.9, is
18 amended to read as follows:

19 Section 141.9 A. 1. Certificates of competency designating
20 special inspectors of boilers and pressure vessels shall be issued
21 by the Commissioner upon request of any authorized inspection
22 agency, which has been licensed or registered by the appropriate
23 authority of this state. ~~All such authorized inspection agencies~~

1 ~~shall provide boiler and pressure vessel insurance coverage and be~~
2 ~~actively engaged in writing this type coverage in this state;~~

3 2. Before receiving a certificate of competency, each inspector
4 shall receive a passing grade on the examination provided for by
5 Section ~~10~~ 141.10 of this ~~act~~ title, or shall hold a commission or
6 certificate of competency as an inspector of boilers or pressure
7 vessels from a state that has a standard of examination equal to
8 that of this state, or a commission as an inspector of boilers and
9 pressure vessels issued by the National Board of Boiler and Pressure
10 Vessel Inspectors;

11 3. Special inspectors shall not receive any salary or expenses
12 from this state, and a certificate of competency shall be valid only
13 as long as such special inspectors are in full-time employment of an
14 authorized inspection agency;

15 4. Special inspectors may inspect all boilers and pressure
16 vessels ~~insured~~ covered by their respective authorized inspection
17 agency; and

18 5. The ~~insurance company~~ authorized inspection agency shall
19 apply on or before January 31 of each year for renewal of
20 certificates of competency for each special inspector employed who
21 inspects boilers and pressure vessels insured in this state. The
22 fee must accompany application.

23 B. 1. Certificates of competency designating owner-user
24 inspectors of boilers or pressure vessels or both shall be issued by

1 the Commissioner upon request of any company operating boilers or
2 pressure vessels or both in this state. The owner-user shall
3 maintain a regularly established inspection department which is
4 under the supervision of one or more technically competent
5 individuals whose qualifications and whose organization and
6 inspection procedures are in accordance with paragraph 4 of
7 subsection A of Section ~~3~~ 141.3 of this ~~act~~ title and acceptable to
8 the Commissioner of Labor. Boilers and pressure vessels shall be
9 inspected regularly and in accordance with applicable provisions of
10 the rules and regulations adopted by the Commissioner pursuant to
11 this act;

12 2. Before receiving a certificate of competency, each inspector
13 shall attain a passing grade on the examination provided for by
14 Section ~~10~~ 141.10 of this ~~act~~ title, or shall hold a certificate of
15 competency as an inspector from a state that has a standard of
16 examination equal to that of this state, or who holds a valid
17 commission issued in accordance with the constitution and bylaws of
18 the National Board of Boiler and Pressure Vessel Inspectors;

19 3. A certificate of competency as an owner-user inspector shall
20 be issued only if, in addition to meeting the requirements in
21 paragraph 2 of this subsection, the inspector is continuously
22 employed by the company and is responsible for making inspection of
23 boilers and pressure vessels used by such company;

24

1 4. Owner-user inspectors shall not receive any salary or
2 expenses from this state and a certificate of competency shall be
3 valid only as long as such owner-user inspector is employed full
4 time by a qualified owner-user inspection agency, in accordance with
5 the applicable provisions of the rules and regulations adopted
6 pursuant to this act;

7 5. The owner-user inspection agency will apply on or before
8 January 31 of each year for renewal of competency for each owner-
9 user inspector employed in this state. The fee must accompany
10 application; and

11 6. Such owner-user inspectors may inspect all pressure vessels
12 operated by their respective companies and, when so inspected, the
13 owners and users of such pressure vessels shall be exempt from the
14 payment to the state of the inspection fees provided for in Section
15 ~~16~~ 141.16 of this ~~act~~ title.

16 SECTION 2. AMENDATORY 40 O.S. 2011, Section 141.16, is
17 amended to read as follows:

18 Section 141.16

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

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|----|--------------------------------------|---------|
| 21 | (1) with manway state inspector | \$75.00 |
| 22 | (2) without manway state inspector | \$50.00 |
| 23 | (3) any size special - or owner/user | |
| 24 | inspector | \$50.00 |

- 1 (4) each public hot water supply heater
2 (biennially) \$5.00
3 (5) each public boiler
4 inspection/certification \$25.00
- 5 b. Only one certificate of operation fee per year may be
6 charged; except an additional fee equal to the
7 certificate of operation fee may be charged for
8 witnessing a hydrostatic test required after repairs,
9 provided a fee equal to the total fees identified in
10 division (1) or (2) of subparagraph a of this
11 paragraph, whichever is appropriate, and subparagraph
12 f of paragraph 2 of this subsection may be charged
13 when the pressure-retaining item is not prepared and
14 ready pursuant to rules promulgated by the
15 Commissioner of Labor at the time of the inspection.
- 16 2. Other Fees
- 17 a. hydrostatic test of steam pipeline per day \$150.00
18 (for each additional half-day or part
19 thereof) \$75.00
- 20 b. shop review fees \$3,000.00
- 21 c. licensing fees
- 22 (1) repair, service, install (annually) \$50.00
23 (2) ~~installer technician (one-time~~
24 ~~issuance)~~ \$50.00

1	(3) boiler operator (biennially)	\$50.00
2	d. certificate of competency fee	\$15.00
3	e. examination fee	\$50.00
4	f. boiler or pressure vessel inspection	
5	fee for certificate inspections by	
6	state inspectors	\$155.00
7	g. authorized inspector services for weld	
8	repairs or alterations, per eight-hour	
9	day or part thereof	\$300.00
10	h. a fee as established by rule may be	
11	assessed for the issuance of duplicate	
12	licenses and certificates, not to exceed	\$10.00

13 B. All institutions owned or operated by the State of Oklahoma
14 or its agencies or by any county, municipality or school district,
15 and such institutions or agencies, and all owners or users of
16 boilers or pressure vessels of historical significance as specified
17 in subsection D of Section 141.5 of this title are exempt from the
18 payment of only those fees provided for in paragraph 2 of subsection
19 A of this section.

20 C. 1. Except for the revenue listed in paragraph 2 of this
21 subsection, the Commissioner shall account for and transfer all fees
22 so received to the State Treasury to the credit of the General
23 Revenue Fund, together with a detailed report of same.

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1 2. The Commissioner shall account for and deposit all fee
2 revenue received and listed in this paragraph to the Department of
3 Labor Revolving Fund:

4 a. Twenty-five Dollars (\$25.00) of each certificate of
5 operation fee collected under divisions (1), (2) and
6 (3) of subparagraph a of paragraph 1 of subsection A
7 of this section,

8 b. all fees listed in divisions (4) and (5) of
9 subparagraph a of paragraph 1 of subsection A of this
10 section, and

11 c. all fees listed in subparagraphs b, g and h of
12 paragraph 2 of subsection A of this section.

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

14 SECTION 3. This act shall become effective November 1, 2014.

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16 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL
17 SERVICES, dated 02/20/2014 - DO PASS, As Coauthored.