

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 346

By: Paddack

4  
5  
6 AS INTRODUCED

7 An Act relating to boilers; amending 40 O.S. 2011,  
8 Sections 141.3, 141.9 and 141.16, which relate to  
9 regulations, boiler inspectors and fees; adopting  
10 certain code for certain boilers; changing  
11 application date for insurance renewal certificate;  
12 increasing duplicate license fee; making fees  
13 nonrefundable; and providing an effective date.

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

15 SECTION 1. AMENDATORY 40 O.S. 2011, Section 141.3, is  
16 amended to read as follows:

17 Section 141.3 A. Formulation. The Commissioner of Labor shall  
18 formulate and adopt definitions, rules and regulations for the safe  
19 construction, installation, inspection, operation, maintenance and  
20 repair of boilers and pressure vessels in this state.

21 1. The definitions, rules and regulations so formulated for new  
22 construction shall be based upon and follow generally accepted  
23 national engineering standards, formula and practices related to  
24 boiler and pressure vessel construction and safety. The  
25 Commissioner of Labor may adopt an existing American National  
26 Standard known as the Boiler and Pressure Code of the American

1 Society of Mechanical Engineers, with the addenda and code cases,  
2 and may also adopt subsequent revisions in the form of addenda and  
3 code cases of that standard provided such revisions are acceptable  
4 to the Commissioner. When so adopted, the same shall be deemed  
5 incorporated into, and to constitute a part of the whole of the  
6 definitions, rules and regulations of the Commissioner of Labor;

7 2. The Commissioner of Labor shall formulate rules and  
8 regulations to ensure that boiler and pressure vessel manufacturers,  
9 jobbers, dealers or individuals selling, renting or leasing or  
10 offering for sale, rent or lease or operation, any boiler or  
11 pressure vessel which is within the scope of this act meets the  
12 requirements of this act, rules and regulations hereinafter adopted.  
13 Any manufacturer, jobber, dealer or individual found to be in  
14 violation of this section shall be subject to any current penalty as  
15 herein provided;

16 3. The Commissioner of Labor shall formulate rules and  
17 regulations which may permit the use of boilers and pressure vessels  
18 which were in operation in this state prior to the date upon which  
19 the first rules and regulations under this act pertaining to  
20 existing installations become effective, or during the twelve-month  
21 period immediately thereafter; and

22 4. The rules for inspection, maintenance and repair of  
23 installed boilers and pressure vessels shall be based upon and  
24 follow generally accepted national standards as promulgated by the

1 National Board of Boiler and Pressure Vessel Inspectors or by the  
2 American Petroleum Institute Pressure Vessel Inspection Code as a  
3 minimum standard as relates to boiler and pressure vessels. The  
4 National Fire Protection Association (NFPA 85-2011) Boiler and  
5 Combustion Systems Hazards Code is hereby adopted for boilers over  
6 12.5 million BTU.

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

14 SECTION 2. AMENDATORY 40 O.S. 2011, Section 141.9, is  
15 amended to read as follows:

16 Section 141.9 A. 1. Certificates of competency designating  
17 special inspectors of boilers and pressure vessels shall be issued  
18 by the Commissioner of Labor upon request of any authorized  
19 inspection agency, which has been licensed or registered by the  
20 appropriate authority of this state. All such authorized inspection  
21 agencies shall provide boiler and pressure vessel insurance coverage  
22 and be actively engaged in writing this type coverage in this state;  
23 2. Before receiving a certificate of competency, each inspector  
24 shall receive a passing grade on the examination provided for by

1 Section ~~10~~ 141.10 of this ~~act~~ title, or shall hold a commission or  
2 certificate of competency as an inspector of boilers or pressure  
3 vessels from a state that has a standard of examination equal to  
4 that of this state, or a commission as an inspector of boilers and  
5 pressure vessels issued by the National Board of Boiler and Pressure  
6 Vessel Inspectors;

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

11 4. Special inspectors may inspect all boilers and pressure  
12 vessels insured by their respective authorized inspection agency;  
13 and

14 5. The insurance company shall apply on or before ~~January 31~~ of  
15 ~~each year~~ the last day of the special inspector's birth month for  
16 renewal of certificates of competency for each special inspector  
17 employed who inspects boilers and pressure vessels insured in this  
18 state. The fee must accompany application.

19 B. 1. Certificates of competency designating owner-user  
20 inspectors of boilers or pressure vessels or both shall be issued by  
21 the Commissioner upon request of any company operating boilers or  
22 pressure vessels or both in this state. The owner-user shall  
23 maintain a regularly established inspection department which is  
24 under the supervision of one or more technically competent

1 individuals whose qualifications and whose organization and  
2 inspection procedures are in accordance with paragraph 4 of  
3 subsection A of Section ~~3~~ 141.3 of this ~~act~~ title and acceptable to  
4 the Commissioner of Labor. Boilers and pressure vessels shall be  
5 inspected regularly and in accordance with applicable provisions of  
6 the rules and regulations adopted by the Commissioner pursuant to  
7 ~~this act~~ the Boiler and Pressure Vessel Safety Act;

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

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

20       4. Owner-user inspectors shall not receive any salary or  
21 expenses from this state and a certificate of competency shall be  
22 valid only as long as such owner-user inspector is employed full  
23 time by a qualified owner-user inspection agency, in accordance with  
24

1 the applicable provisions of the rules and regulations adopted  
2 pursuant to this act;

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

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

12 SECTION 3. AMENDATORY 40 O.S. 2011, Section 141.16, is  
13 amended to read as follows:

14 Section 141.16.

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

17	(1) with manway state inspector	\$75.00
18	(2) without manway state inspector	\$50.00
19	(3) any size special - or owner/user	
20	inspector	\$50.00
21	(4) each public hot water supply heater	
22	(biennially)	\$5.00
23	(5) each public boiler	
24	inspection/certification	\$25.00

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

12       2. Other Fees

- |    |    |  |            |
|----|----|--|------------|
| 13 | a. | hydrostatic test of steam pipeline per day | \$150.00   |
| 14 |    | (for each additional half-day or part      |            |
| 15 |    | thereof)                                   | \$75.00    |
| 16 | b. | shop review fees                           | \$3,000.00 |
| 17 | c. | licensing fees                             |            |
| 18 |    | (1) repair, service, install (annually)    | \$50.00    |
| 19 |    | (2) installer technician (one-time         |            |
| 20 |    | issuance)                                  | \$50.00    |
| 21 |    | (3) boiler operator (biennially)           | \$50.00    |
| 22 | d. | certificate of competency fee              | \$15.00    |
| 23 | e. | examination fee                            | \$50.00    |

1	f.	boiler or pressure vessel inspection	
2		fee for certificate inspections by	
3		state inspectors	\$155.00
4	g.	authorized inspector services for weld	
5		repairs or alterations, per eight-hour	
6		day or part thereof	\$300.00
7	h.	<del>a fee as established by rule may be</del>	
8		<del>assessed for the issuance of duplicate</del>	
9		<del>licenses and certificates, not to exceed</del>	
10		<u>including change of boiler operator</u>	
11		<u>class</u>	<del>\$10.00</del>
12			<u>\$25.00</u>

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.

24

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 nonrefundable and shall be paid directly  
14 to the Department of Labor.

15        SECTION 4. This act shall become effective November 1, 2013.

16  
17        54-1-888            NP            1/15/2013 9:22:43 AM