

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2766

By: Lepak

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5
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2011,
8 Sections 141.13 and 141.16, as amended by Section 1,
9 Chapter 336, O.S.L. 2014 (40 O.S. Supp. 2015, Section
10 141.16), which relate to the Boiler and Pressure
11 Vessel Safety Act; providing inspections of certain
12 boilers be performed by licensed boiler operators or
13 licensed plumbing contractors; eliminating fee for
14 certain inspection; and providing an effective date.

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

16 SECTION 1. AMENDATORY 40 O.S. 2011, Section 141.13, is
17 amended to read as follows:

18 Section 141.13 A. The Commissioner of Labor or the chief
19 boiler inspector, or any deputy inspector, shall have free access,
20 during reasonable hours, to any premises in the state where a boiler
21 or pressure vessel is being constructed for use in, or is being
22 installed in this state for the purpose of ascertaining whether such
23 boiler or pressure vessel is being constructed and installed in
24 accordance with the provisions of the Boiler and Pressure Vessel
Safety Act.

1 B. Each boiler and pressure vessel covered by the Boiler and
2 Pressure Vessel Safety Act shall be thoroughly inspected as to its
3 construction, installation and condition as follows:

4 1. Power boilers and high pressure high temperature water
5 boilers shall receive an inspection annually which shall be an
6 internal inspection where construction permits; otherwise it shall
7 be as complete an inspection as possible. Such boilers shall also
8 be externally inspected annually preferably while under pressure;

9 2. Low pressure steam or vapor heating boilers shall receive an
10 external inspection annually with an internal inspection at least
11 every two (2) years where construction permits;

12 3. Hot water heating and hot water supply boilers shall receive
13 an external inspection annually with an internal inspection at the
14 discretion of the inspector;

15 4. Pressure vessels, excluding those within the scope of the
16 American Petroleum Institute Pressure Vessel Inspection Code,
17 subject to internal corrosion and waste heat steam generators shall
18 receive an internal inspection triennially where construction
19 permits. Pressure vessels not subject to internal corrosion shall
20 receive an inspection at intervals set by the Commissioner.
21 Frequency of external inspections of pressure vessels shall be set
22 by the Commissioner;

23 5. A grace period of two (2) months beyond the periods
24 specified in paragraphs 1, 2, 3 and 4 of this subsection is

1 permitted between inspections; however, the inspection due date
2 shall not be affected; provided, however, for an entity with two or
3 more boilers or pressure vessels, the Commissioner may allow all
4 inspections of the boilers or pressure vessels to be conducted at
5 that location at the same time;

6 6. The Commissioner of Labor may provide for longer periods
7 between inspections in the rules for specific boilers and pressure
8 vessels; and

9 7. Under the provisions of the Boiler and Pressure Vessel
10 Safety Act, the Commissioner of Labor is responsible to provide
11 rules for the safety of life, limb and property and therefore has
12 jurisdiction over the interpretation and application of the
13 inspection requirements as provided for in the rules. Inspection
14 during construction and installation shall certify as to the minimum
15 requirement for safety as defined in the American Society of
16 Mechanical Engineers Code or other construction standards acceptable
17 to the Commissioner of Labor. Inspection requirements of operating
18 equipment shall be in accordance with generally accepted practice
19 and compatible with the actual service condition, such as:

- 20 a. previous experience, based on records of inspection,
21 performance and maintenance,
- 22 b. location, with respect to personnel hazard,
- 23 c. quality of inspection and operating personnel,
- 24 d. provision for related safe operating controls, and

1 e. interrelation with other operations outside the scope
2 of the Boiler and Pressure Vessel Safety Act.

3 Based upon the documentation of such actual service conditions
4 by the owner or user of the operating equipment, the Commissioner of
5 Labor may, at his discretion, permit variations in the inspection
6 requirements.

7 C. The inspections herein required shall be made by the
8 Commissioner, chief boiler inspector, deputy inspector or a special
9 inspector as provided for in the Boiler and Pressure Vessel Safety
10 Act except that hot water heating and hot water supply boilers shall
11 be inspected by licensed boiler operators or plumbing contractors
12 licensed by the State of Oklahoma.

13 D. Owner-user inspection of boilers and pressure vessels is
14 permitted provided the owner-user inspection service is regularly
15 established and is under the supervision of one or more individuals
16 whose qualifications are satisfactory to the Commissioner of Labor
17 and said owner-user causes the pressure vessels to be inspected in
18 conformance with the National Board Inspection Code or American
19 Petroleum Institute Pressure Vessel Inspection Code as applicable.

20 E. If, at the discretion of the inspector, a hydrostatic test
21 shall be deemed necessary, it shall be made by the owner or user or
22 his licensed representative and witnessed by an inspector as
23 authorized by the Boiler and Pressure Vessel Safety Act, before a
24 certificate of operation is issued.

1 F. All boilers, other than cast iron sectional boilers, and
2 pressure vessels to be installed in this state after the twelve-
3 month period from the date upon which the rules of the Commissioner
4 become effective, shall be inspected during construction as required
5 by the applicable rules by an inspector authorized to inspect
6 boilers and pressure vessels in this state, or if constructed
7 outside of the state, by an inspector holding a valid commission
8 issued by the National Board of Boiler and Pressure Vessel
9 Inspectors.

10 G. No person, firm or corporation shall in any manner interfere
11 with the performance of the official duties of any inspector
12 authorized by the Boiler and Pressure Vessel Safety Act.

13 SECTION 2. AMENDATORY 40 O.S. 2011, Section 141.16, as
14 amended by Section 1, Chapter 336, O.S.L. 2014 (40 O.S. Supp. 2015,
15 Section 141.16), is amended to read as follows:

16 Section 141.16

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

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

- 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. a fee as established by rule may be
 8 assessed for the issuance of duplicate
 9 licenses and certificates, not to
 10 exceed \$10.00

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

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

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

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

5 b. all fees listed in ~~divisions~~ division (4) ~~and (5)~~ of
6 subparagraph a of paragraph 1 of subsection A of this
7 section, and

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

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

11 SECTION 3. This act shall become effective November 1, 2016.

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13 55-2-8046 LRB 12/28/15
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