

An Act

ENROLLED SENATE
BILL NO. 1492

By: Kidd of the Senate

and

Hilbert of the House

An Act relating to labor; amending 40 O.S. 2011, Sections 141.8, 141.10, 141.13, as amended by Section 1, Chapter 93, O.S.L. 2016 (40 O.S. Supp. 2017, Section 141.13), which relate to boiler inspectors, examination of inspector, inspection of boilers; modifying language; changing requirement for acquiring National Board Commission; setting minimum inspection term for hot water heaters; and providing an effective date.

SUBJECT: Boiler inspection

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 141.8, is amended to read as follows:

Section 141.8. A. The chief boiler inspector shall employ deputy inspectors, subject to approval of the Commissioner of Labor, who shall be responsible to the chief boiler inspector and who shall have at the time of appointment a valid commission issued in accordance with the constitution and bylaws of the National Board of Boiler and Pressure Vessel Inspectors.

B. The deputy inspectors may at the Commissioner's discretion be appointed in a trainee status provided ~~said~~ the trainees successfully complete the examination as defined in Section ~~10~~ 141.10 of this ~~act~~ title and receive a valid National Board

Commission within ~~eighteen (18)~~ twenty-four (24) months after appointment.

SECTION 2. AMENDATORY 40 O.S. 2011, Section 141.10, is amended to read as follows:

Section 141.10. A. The examination for chief boiler inspector, deputy inspectors, special inspectors or owner-user inspectors, except those owner-user inspectors within the scope of the American Petroleum Institute Pressure Vessel Inspection Code, shall be written and shall be held in accordance with the constitution and bylaws of the National Board of Boiler and Pressure Vessel Inspectors.

B. A ~~separate~~ written examination for owner-user inspectors within the scope of the American Petroleum Institute Pressure Vessel Inspection Code shall be administered by the Department of Labor based upon the content of the American Petroleum Institute Pressure Vessel Inspection Code and the American Society of Mechanical Engineers Boiler and Pressure Vessel Codes pertaining to pressure vessels.

SECTION 3. AMENDATORY 40 O.S. 2011, Section 141.13, as amended by Section 1, Chapter 93, O.S.L. 2016 (40 O.S. Supp. 2017, Section 141.13), is amended to read as follows:

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

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

1. Power boilers and high pressure high temperature water boilers shall receive an inspection annually which shall be an internal inspection where construction permits; otherwise it shall

be as complete an inspection as possible. Such boilers shall also be externally inspected annually preferably while under pressure;

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

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

4. Hot water supply heaters shall receive a certificate inspection annually, if possible, but biennially as a minimum;

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

~~5.~~ 6. A grace period of two (2) months beyond the periods specified in paragraphs 1, 2, 3, 4 and ~~4~~ 5 of this subsection is permitted between inspections; however, the inspection due date shall not be affected; provided, however, for an entity with two or more boilers or pressure vessels, the Commissioner may allow all inspections of the boilers or pressure vessels to be conducted at that location at the same time;

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

~~7.~~ 8. Under the provisions of the Boiler and Pressure Vessel Safety Act, the Commissioner of Labor is responsible to provide rules for the safety of life, limb and property and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules. Inspection during construction and installation shall certify as to the minimum requirement for safety as defined in the American Society of

Mechanical Engineers Code or other construction standards acceptable to the Commissioner of Labor. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service condition, such as:

- a. previous experience, based on records of inspection, performance and maintenance,
- b. location, with respect to personnel hazard,
- c. quality of inspection and operating personnel,
- d. provision for related safe operating controls, and
- e. interrelation with other operations outside the scope of the Boiler and Pressure Vessel Safety Act.

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

C. The inspections herein required shall be made by the Commissioner, chief boiler inspector, deputy inspector or a special inspector as provided for in the Boiler and Pressure Vessel Safety Act except that ~~hot water heating and hot water supply boilers heaters~~ may be inspected by state-licensed boiler operators or state-licensed plumbers or plumbing contractors licensed by the State of Oklahoma. The Commissioner of Labor may designate by rule the hot water supply heaters, by design type, that are not subject to inspection.

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

E. If, at the discretion of the inspector, a hydrostatic test shall be deemed necessary, it shall be made by the owner or user or

his licensed representative and witnessed by an inspector as authorized by the Boiler and Pressure Vessel Safety Act, before a certificate of operation is issued.

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

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

SECTION 4. This act shall become effective November 1, 2018.

Passed the Senate the 7th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 9th day of April, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____