

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 56th Legislature (2018)

4   ENGROSSED SENATE  
5   BILL NO. 1492

                              By: Kidd of the Senate

  and

  Hilbert of the House

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9       An Act relating to labor; amending 40 O.S. 2011,  
10      Sections 141.8, 141.10, 141.13, as amended by Section  
11      1, Chapter 93, O.S.L. 2016 (40 O.S. Supp. 2017,  
12      Section 141.13), which relate to boiler inspectors,  
13      examination of inspector, inspection of boilers;  
14      modifying language; changing requirement for  
15      acquiring National Board Commission; setting minimum  
16      inspection term for hot water heaters; and providing  
17      an effective date.

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24   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.

1 B. The deputy inspectors may at the Commissioner's discretion  
2 be appointed in a trainee status provided ~~said~~ the trainees  
3 successfully complete the examination as defined in Section ~~10~~  
4 141.10 of this ~~act~~ title and receive a valid National Board  
5 Commission within ~~eighteen (18)~~ twenty-four (24) months after  
6 appointment.

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

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

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

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

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

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

15       1. Power boilers and high pressure high temperature water  
16 boilers shall receive an inspection annually which shall be an  
17 internal inspection where construction permits; otherwise it shall  
18 be as complete an inspection as possible. Such boilers shall also  
19 be externally inspected annually preferably while under pressure;

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

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

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

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

14        ~~5.~~ 6. A grace period of two (2) months beyond the periods  
15 specified in paragraphs 1, 2, 3, 4 and ~~4~~ 5 of this subsection is  
16 permitted between inspections; however, the inspection due date  
17 shall not be affected; provided, however, for an entity with two or  
18 more boilers or pressure vessels, the Commissioner may allow all  
19 inspections of the boilers or pressure vessels to be conducted at  
20 that location at the same time;

21        ~~6.~~ 7. The Commissioner of Labor may provide for longer periods  
22 between inspections in the rules for specific boilers and pressure  
23 vessels; and  
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1        ~~7.~~ 8. Under the provisions of the Boiler and Pressure Vessel  
2 Safety Act, the Commissioner of Labor is responsible to provide  
3 rules for the safety of life, limb and property and therefore has  
4 jurisdiction over the interpretation and application of the  
5 inspection requirements as provided for in the rules. Inspection  
6 during construction and installation shall certify as to the minimum  
7 requirement for safety as defined in the American Society of  
8 Mechanical Engineers Code or other construction standards acceptable  
9 to the Commissioner of Labor. Inspection requirements of operating  
10 equipment shall be in accordance with generally accepted practice  
11 and compatible with the actual service condition, such as:

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

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

23        C. The inspections herein required shall be made by the  
24 Commissioner, chief boiler inspector, deputy inspector or a special

1 inspector as provided for in the Boiler and Pressure Vessel Safety  
2 Act except that ~~hot water heating and hot water supply boilers~~  
3 heaters may be inspected by state-licensed boiler operators or  
4 state-licensed plumbers or plumbing contractors ~~licensed by the~~  
5 ~~State of Oklahoma.~~ The Commissioner of Labor may designate by rule  
6 the hot water supply heaters, by design type, that are not subject  
7 to inspection.

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

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

20 F. All boilers, other than cast iron sectional boilers, and  
21 pressure vessels to be installed in this state after the twelve-  
22 month period from the date upon which the rules of the Commissioner  
23 become effective, shall be inspected during construction as required  
24 by the applicable rules by an inspector authorized to inspect

1 boilers and pressure vessels in this state, or if constructed  
2 outside of the state, by an inspector holding a valid commission  
3 issued by the National Board of Boiler and Pressure Vessel  
4 Inspectors.

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

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

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10 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated  
11 03/27/2018 - DO PASS.  
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