

1 **SENATE FLOOR VERSION**

2 March 29, 2018

3 ENGROSSED HOUSE
4 BILL NO. 3151

By: Coody of the House

5 and

6 Paxton of the Senate

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8
9 An Act relating to labor; amending 40 O.S. 2011,
10 Section 141.9, which relates to the Boiler and
11 Pressure Vessel Safety Act; providing exemption to
12 liability for certain circumstances; providing
13 exception; 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 141.9, is
16 amended to read as follows:

17 Section 141.9 A. 1. Certificates of competency designating
18 special inspectors of boilers and pressure vessels shall be issued
19 by the Commissioner upon request of any authorized inspection
20 agency, which has been licensed or registered by the appropriate
21 authority of this state. All such authorized inspection agencies
22 shall provide boiler and pressure vessel insurance coverage and be
23 actively engaged in writing this type coverage in this state.

24 2. Before receiving a certificate of competency, each inspector
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 inspections required pursuant to the Boiler and Pressure
15 Vessel Safety Act that are conducted incidental to the issuance or
16 renewal of boiler and machinery insurance shall not subject an
17 insurer, whether domestic or foreign, its agents or its employees to
18 liability for damages for any act or omission in the course of
19 performing inspections as provided by this section. This section
20 shall not apply if the gross negligence of the insurer, its agent or
21 its employee created the condition that was the proximate cause of
22 the injury, death or loss.

23 6. The insurance company shall apply on or before January 31 of
24 each year for renewal of certificates of competency for each special

1 inspector employed who inspects boilers and pressure vessels insured
2 in this state. The fee must accompany application.

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

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

23 3. A certificate of competency as an owner-user inspector shall
24 be issued only if, in addition to meeting the requirements in

1 paragraph 2 of this subsection, the inspector is continuously
2 employed by the company and is responsible for making inspection of
3 boilers and pressure vessels used by such company~~+~~.

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

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

14 6. Such owner-user inspectors may inspect all pressure vessels
15 operated by their respective companies and, when so inspected, the
16 owners and users of such pressure vessels shall be exempt from the
17 payment to the state of the inspection fees provided for in Section
18 ~~16~~ 141.16 of this ~~act~~ title.

19 SECTION 2. This act shall become effective November 1, 2018.

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
21 March 29, 2018 - DO PASS

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