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February 15, 2018

AS AMENDED

SENATE BILL NO. 1492

By: Kidd

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.

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

1 141.10 of this ~~act~~ title and receive a valid National Board
2 Commission within ~~eighteen (18)~~ twenty-four (24) months after
3 appointment.

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

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

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

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

23 Section 141.13. A. The Commissioner of Labor or the chief
24 boiler inspector, or any deputy inspector, shall have free access,

1 during reasonable hours, to any premises in the state where a boiler
2 or pressure vessel is being constructed for use in, or is being
3 installed in this state for the purpose of ascertaining whether such
4 boiler or pressure vessel is being constructed and installed in
5 accordance with the provisions of the Boiler and Pressure Vessel
6 Safety Act.

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

10 1. Power boilers and high pressure high temperature water
11 boilers shall receive an inspection annually which shall be an
12 internal inspection where construction permits; otherwise it shall
13 be as complete an inspection as possible. Such boilers shall also
14 be externally inspected annually preferably while under pressure;

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

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

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

23 5. Pressure vessels, excluding those within the scope of the
24 American Petroleum Institute Pressure Vessel Inspection Code,

1 subject to internal corrosion and waste heat steam generators shall
2 receive an internal inspection triennially where construction
3 permits. Pressure vessels not subject to internal corrosion shall
4 receive an inspection at intervals set by the Commissioner.
5 Frequency of external inspections of pressure vessels shall be set
6 by the Commissioner;

7 ~~5.~~ 6. A grace period of two (2) months beyond the periods
8 specified in paragraphs 1, 2, 3, 4 and ~~4~~ 5 of this subsection is
9 permitted between inspections; however, the inspection due date
10 shall not be affected; provided, however, for an entity with two or
11 more boilers or pressure vessels, the Commissioner may allow all
12 inspections of the boilers or pressure vessels to be conducted at
13 that location at the same time;

14 ~~6.~~ 7. The Commissioner of Labor may provide for longer periods
15 between inspections in the rules for specific boilers and pressure
16 vessels; and

17 ~~7.~~ 8. Under the provisions of the Boiler and Pressure Vessel
18 Safety Act, the Commissioner of Labor is responsible to provide
19 rules for the safety of life, limb and property and therefore has
20 jurisdiction over the interpretation and application of the
21 inspection requirements as provided for in the rules. Inspection
22 during construction and installation shall certify as to the minimum
23 requirement for safety as defined in the American Society of
24 Mechanical Engineers Code or other construction standards acceptable

1 to the Commissioner of Labor. Inspection requirements of operating
2 equipment shall be in accordance with generally accepted practice
3 and compatible with the actual service condition, such as:

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

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

15 C. The inspections herein required shall be made by the
16 Commissioner, chief boiler inspector, deputy inspector or a special
17 inspector as provided for in the Boiler and Pressure Vessel Safety
18 Act except that ~~hot water heating and hot water supply boilers~~
19 heaters may be inspected by state-licensed boiler operators or
20 state-licensed plumbers or plumbing contractors ~~licensed by the~~
21 ~~State of Oklahoma.~~ **The Commissioner of Labor may designate by rule**
22 **the hot water supply heaters, by design type, that are not subject**
23 **to inspection.**
24

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
February 15, 2018 - DO PASS AS AMENDED