

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 556

Short Title: Amend Boiler & Pressure Vessel Act.

(Public)

Sponsors: Representative Bowman.

Referred to: Business and Labor.

March 25, 1993

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-69.9 reads as rewritten:

"§ 95-69.9. Definitions.

(a) The term 'board' shall mean the North Carolina Board of Boiler and Pressure Vessel Rules;

(b) The term 'boiler' shall mean a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the direct application of heat from the combustion of fuels, or from electricity or nuclear energy. This term 'boiler' shall also include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves;

(c) The term 'Commissioner' shall mean the North Carolina Commissioner of Labor;

(d) The term 'Director' shall mean the individual appointed by the Commissioner to hold the office of Director of the Boiler and Pressure Vessel Division within the Department of Labor;

(e) The term 'inspection certificate' shall mean certification by the Director that a boiler or pressure vessel is in compliance with the rules and regulations adopted under this Article;

1 (f) The term 'inspector's commission' shall mean a written authorization by the
2 Commissioner for a person who has met the qualifications set out in this Article to
3 conduct inspections of boilers and pressure vessels;

4 (g) The term 'pressure vessel' shall mean a vessel in which the pressure is
5 obtained from an indirect source or by the application of heat from an indirect source or
6 a direct source, other than those included within the term 'boiler'."

7 Sec. 2. G.S. 95-69.10 reads as rewritten:

8 **"§ 95-69.10. Application of Article; exemptions.**

9 (a) This Article shall apply to all boilers and pressure vessels constructed, used,
10 or designed for operation in this State including all new and existing installations which
11 are operated in connection with business buildings, institutional buildings, industrial
12 buildings, assembly buildings, educational buildings, public residential buildings,
13 recreation buildings, other public buildings, and water supplies. This Article shall also
14 apply to boilers and hot water supply tanks, and heaters located in hotels, motels, tourist
15 courts, camps, cottages, resort lodges, and similar places whenever the owner or
16 operator advertises in any manner for transit patronage, or solicits such business for
17 temporary abode by transit patrons.

18 (b) This Article shall not apply to:

19 (1) Boilers and pressure vessels owned and/or operated by the
20 federal government;

21 (2) Pressure vessels used for transportation or storage of
22 compressed gases when constructed in compliance with the
23 specifications of the United States Department of Transportation and
24 when charged with gas marked, maintained, and periodically
25 requalified for use, as required by appropriate regulations of the
26 United States Department of Transportation;

27 (3) To portable ~~boilers and~~ pressure vessels used for agricultural purposes
28 only or for pumping or drilling in an open field for water, gas or coal,
29 gold, talc, or other minerals and metals;

30 (4) Boilers and pressure vessels which are located in private
31 residences or in apartment houses of less than six families;

32 (5) Pressure vessels used for transportation or storage of
33 liquified petroleum gas;

34 (6) Air tanks located on vehicles licensed under the rules and
35 regulations of other state authorities operating under rules and
36 regulations substantially similar to those of this State and used for
37 carrying passengers or freight within interstate commerce;

38 (7) Air tanks installed on right-of-way of railroads and used
39 directly in the operation of trains;

40 (8) Pressure vessels that do not exceed five cubic feet in volume
41 and 250 PSIG pressure; or one and one-half cubic feet in volume and
42 600 PSIG pressure; or an inside diameter of six inches with no
43 limitations on pressure;

- 1 (9) Pressure vessels operating at a working pressure not
2 exceeding 15 PSIG pressure;
- 3 (10) Pressure vessels with a nominal water capacity of 120
4 gallons or less and containing water under pressure at ambient
5 temperature, including those containing air, the compression of
6 which serves as a cushion;
- 7 (11) Boilers and pressure vessels on railroad steam locomotives
8 that are subject to federal safety regulations;

9 (11a) Pressure vessels containing water at a temperature not exceeding 110
10 degrees fahrenheit;

11 (12) Repealed by Session Laws 1985, c. 620, s. 2, effective July 5, 1985.

12 (13) Coil type hot water supply boilers, generally referred to as steam
13 jennies, where the water can flash into steam when released directly to
14 the atmosphere through a manually operated nozzle, and where
15 adequate safety relief valves and controls are provided, provided the
16 following limitations are not exceeded:

17 a. There is no drum, header, or other steam space;

18 b. No steam is generated within the coil;

19 c. Maximum 1 inch tube size;

20 d. Maximum 3/4 inch nominal pipe size;

21 e. Maximum 6 gallon nominal water storage capacity; and

22 f. Water temperature of 350 degrees fahrenheit.

23 (c) The construction and inspection requirements established by the Department
24 of Labor shall not apply to hot water supply boilers which are directly fired with oil, gas
25 or electricity, or hot water supply tanks heated by steam or any other indirect means,
26 which do not exceed any of the following limitations:

27 (1) Heat input of 200,000 BTU HR;

28 (2) Water temperature of 200 degrees F;

29 (3) Nominal water capacity of 120 gallons; provided that they
30 are equipped with ASME Code and National Board certified safety
31 relief valves.

32 (d) The construction requirements established by the Department of Labor shall
33 not apply to pressure vessels installed in this State prior to December 31, 1981, that:

34 (1) Are of one-piece, forged construction and have no
35 weldments;

36 (2) Are constructed before January 1, 1981, and operating or
37 could be operated, under the laws of any state that has adopted one
38 or more sections of the ASME Code;

39 (3) Are transferred into this State without a change of
40 ownership; and

41 (4) Are determined by the Director to be constructed under
42 standards substantially equivalent to those established by the
43 department at the time of transfer; provided that they are equipped
44 with ASME Code and National Board certified safety relief valves.

1 (e) The construction requirements established by the Department of Labor shall
2 not apply to pressure vessels installed in this State prior to December 31, 1984, that:

3 (1) Are manufactured from gray iron casting material, as
4 specified by the American Society for Testing and Materials,
5 (ASTM) 48- 60T/30;

6 (2) Are constructed before December 31, 1967, and operating or
7 could be operated, under the laws of any state or Canadian Province
8 that has adopted one or more sections of the ASME Boiler and
9 Pressure Vessel Code;

10 (3) Are transferred into this State without a change of
11 ownership; and

12 (4) Are determined by the Director to be constructed under
13 standards substantially equivalent to those established by the
14 department at the time of transfer; provided that they are equipped
15 with ASME Code and National Board certified safety relief valves."

16 Sec. 3. G.S. 95-69.11 reads as rewritten:

17 **"§ 95-69.11. Powers and duties of Commissioner.**

18 The Commissioner of Labor is hereby charged, directed, and empowered:

19 (1) To adopt, modify or revoke rules and regulations governing the
20 construction, operation and use of boilers and pressure vessels,
21 including, where necessary, requirements for fencing to prevent
22 unauthorized persons from coming in contact with boilers and pressure
23 vessels or the systems they are connected to;

24 (2) To supervise the office of the Director of Boiler and Pressure Vessel
25 Division;

26 (3) To enforce rules and regulations adopted under authority of this
27 Article;

28 (4) To inspect boilers and pressure vessels covered under this Article;

29 (5) To issue inspection certificates to those boilers and pressure vessels
30 found in compliance with this Article;

31 (6) To enjoin violations of this Article in the civil and criminal courts of
32 this State;

33 (7) To keep adequate records of the type, dimensions, age, conditions,
34 pressure allowed upon, location and date of the last inspection of all
35 boilers and pressure vessels to which this Article applies;

36 (8) To require such periodic reports from inspectors, owners, and
37 operators of boilers and pressure vessels as he deems appropriate in
38 carrying out the purposes of this Article;

39 (9) To have free access, without notice, to any location in this State,
40 during reasonable hours, where a boiler or pressure vessel is being
41 built, installed, or operated for the purpose of ascertaining whether
42 such boiler or pressure vessel is built, installed or operated in
43 accordance with the provisions of this Article;

- 1 (10) To investigate serious accidents involving boilers and pressure vessels
 2 to determine the causes of such accident(s), and he shall have full
 3 subpoena powers in conducting said investigation;
- 4 (11) To establish reasonable fees for the inspection and issuance of
 5 inspection certificates for boilers and pressure vessels;
- 6 (12) To establish reasonable fees for the examination and certification of
 7 inspectors;
- 8 (13) To appoint qualified individuals to the Board of Boiler and Pressure
 9 Vessel Rules.
- 10 (14) To perform, upon request, inspections during the construction and
 11 repair of boilers and pressure vessels in accordance with the standards
 12 incorporated in the rules pursuant to this Article, including the
 13 qualification audits for issuance of the applicable certification, and the
 14 establishment and collection of fees for these activities."

15 Sec. 4. G.S. 95-69.16 reads as rewritten:

16 "**§ 95-69.16. Inspections; report, certificates, fees.**

17 (a) All boilers and pressure vessels subject to the provisions of this Article shall
 18 be inspected by an authorized inspector, as set out in G.S. 95-69.15, at such intervals
 19 and by such methods as the Commissioner may from time to time prescribe by
 20 regulation. In determining the frequency with which various categories of boiler and
 21 pressure vessels shall be inspected, the Commissioner shall give due consideration the
 22 hazard involved and need for protection of the public. Methods of inspection must
 23 provide an adequate procedure to insure the safety of individuals likely to be injured by
 24 an explosion or accident involving a boiler or pressure vessel.

25 ~~(b) Upon completion of an inspection the authorized inspector shall file a report~~
 26 ~~on the suitability of the boiler or pressure vessel inspected with the Director. The~~
 27 ~~inspector shall attach the fee paid for the inspection to his report. Inspection, issuance of~~
 28 ~~inspection certificates, and collection of fees shall be by such procedures and methods~~
 29 ~~prescribed by the rules adopted pursuant to this Article.~~

30 ~~(c) Upon receipt of the inspector's report and fee, the Director shall determine~~
 31 ~~whether or not a boiler or pressure vessel is in compliance with the rules and regulations~~
 32 ~~adopted under this Article. If the Director determines it is in compliance he shall issue~~
 33 ~~an inspection certificate authorizing use of the boiler or pressure vessel. When the~~
 34 ~~Director determines a boiler or pressure vessel is not in compliance, he shall so notify~~
 35 ~~the owner or user within 10 working days. No boiler or pressure vessel may be~~
 36 ~~operated without an inspection certificate, except pressure vessels being operated under~~
 37 ~~owner-user provision where administrative procedures of equal safety and competency~~
 38 ~~have been approved by the Board and Commissioner. No more than 60 days grace~~
 39 ~~period may be granted beyond the certificate expiration date. ~~An individual whose~~~~
 40 ~~boiler or pressure vessel is found in noncompliance may appeal that determination to~~
 41 ~~the Commissioner within 30 days after notification of the decision is received."~~

42 Sec. 5. G.S. 95-69.17 reads as rewritten:

43 "**§ 95-69.17. Administrative and judicial review of decisions.**

1 (a) A final decision to suspend or revoke an inspector's commission or inspection
2 certificate shall be made in accordance with Chapter 150B of the General Statutes.

3 (b) A final decision to deny an application for a certificate of competency or to
4 refuse to issue or renew an inspection certificate shall be made in accordance with
5 Chapter 150B of the General Statutes. In a contested case under this subsection, the
6 decision of the ~~Board or~~ Director shall not be stayed pending administrative review.

7 (c) Article 4 of Chapter 150B of the General Statutes governs judicial review of a
8 final decision in a contested case."

9 Sec. 6. This act is effective upon ratification.