

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 802 Session of 2013

INTRODUCED BY CORMAN, TARTAGLIONE, VOGEL, WAUGH AND SOLOBAY, APRIL 4, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 3, 2013

AN ACT

1 Amending the act of June 18, 1998 (P.L.655, No.85), entitled "An
2 act regulating the construction, equipment, maintenance,
3 operation and inspection of boilers and unfired pressure
4 vessels; granting certain authority to and imposing certain
5 duties upon the Department of Labor and Industry; providing
6 for penalties; and making a repeal," further providing for
7 definitions, for design and construction, for construction of
8 act, for registration of boilers and unfired pressure
9 vessels, for shop inspection, for repairs and alterations and
10 for field inspection; repealing provisions relating to
11 issuance of certificates of operation, inspector commissions
12 and fees for examination, enforcement, placement of equipment
13 out of service, regulatory authority, right of entry,
14 accident report, fees, procedure in prosecutions and
15 penalties; and providing for field inspection frequency, for
16 certificates of operation, for inspector commissions and for
17 authorized private inspection agencies, for powers of
18 department, for department investigation, for accident
19 report, for fees, for department enforcement and for
20 administrative penalties.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Sections 2, 4, 5, 6, 7, 8 and 9 of the act of
24 June 18, 1998 (P.L.655, No.85), known as the Boiler and Unfired
25 Pressure Vessel Law, are amended to read:

26 Section 2. Definitions.

1 The following words and phrases when used in this act shall
2 have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Accident." A failure of a boiler or unfired pressure vessel
5 resulting in personal injury or property loss.

6 "Agricultural building." A structure utilized to store farm
7 implements, hay, feed, grain or other agricultural or
8 horticultural products or to house poultry, livestock or other
9 farm animals, a milk house or a structure used to grow
10 mushrooms. The term includes a carriage house owned and used by
11 members of a recognized religious sect for the purposes of
12 housing horses and storing buggies. The term does not include
13 habitable space or spaces in which agricultural products are
14 processed, treated or packaged and shall not be construed to
15 mean a place of occupancy by the general public.

16 "ASME." The American Society of Mechanical Engineers.

17 "Authorized private inspection agency." An entity which
18 employs one or more commissioned private inspectors possessing
19 valid current commissions.

20 "Board." The Industrial Board of the Commonwealth.

21 "Boiler." Any closed vessel in which water is heated, steam
22 is generated, steam is superheated or any combination thereof
23 under pressure or vacuum for use external to itself by the
24 direct application of heat from the combustion of fuels or from
25 electricity. The term shall include fired vessels for heating or
26 vaporizing liquids other than water where these vessels are
27 separate from processing systems and are complete within
28 themselves. The term does not include kitchen-type appliances or
29 sterilizers used in medical applications when the device is
30 designed not to exceed 5 psi internal pressure whether by use of

1 a relief valve or other design.

2 "Commissioned private inspector." A person not employed by
3 the Department of Labor and Industry nor by an insurance company
4 or owner of one or more boilers or unfired pressure vessels who
5 has satisfied the requirements for obtaining and maintaining a
6 commission to perform inspections of boilers and unfired
7 pressure vessels in this Commonwealth, under this act and the
8 regulations promulgated by the department.

9 "Department." The Department of Labor and Industry of the
10 Commonwealth.

11 ["Farms." Any properties or structures used primarily for
12 production and/or raising of agriculture.]

13 "Field inspection." An internal/external inspection as
14 defined by the National Board Inspection Code (ANSI/NB-23).

15 "Heat exchanger." A device used for the purpose of
16 transferring heat or cold from one medium to another and having
17 passages for each of the two streams of medium separated by a
18 heat-exchange surface frequently in the form of plates or tubes.

19 "Heating boiler." A closed vessel in which water is heated
20 or steam is generated by the direct application of heat from the
21 combustion of fuels or from electricity for the purpose of
22 providing heat to any part of a building. The heat may be
23 distributed in the form of radiators, baseboard units, in floor
24 convection coils or air heating coils for hot air heat. The term
25 includes cast iron boilers, fire tube boilers, water tube
26 boilers, fired heat exchangers and instantaneous hot water
27 heaters or any type of heater, boiler or heat exchanger.

28 "Inspector." A person commissioned by the Department of
29 Labor and Industry to field-inspect boilers or unfired pressure
30 vessels in this Commonwealth. The term includes a commissioned

1 private inspector.

2 "Instantaneous heating boiler." A vessel known as
3 instantaneous, tankless, continuous flow, in-line, flash, on-
4 demand or instant-on water heater designed and built to provide,
5 but not to store, hot water used in hot water heating systems,
6 similar to an instantaneous water heater, but constructed to
7 meet the requirements of a heating boiler.

8 "Instantaneous water heater." A vessel known as
9 instantaneous, tankless, continuous flow, in-line, flash, on-
10 demand or instant-on water heater designed and built to provide,
11 but not to store, hot water and which is limited to hot water
12 supply.

13 "Modular boiler." An assembly of individual steam or hot
14 water heating boilers consisting of a group of individual
15 boilers called modules, intended to be installed as a unit, with
16 no intervening stop valves between the modules, with a single
17 inlet and a single outlet. Modules may be under one jacket or
18 may be individually jacketed. The term does not include
19 assemblies of fired heat exchangers constructed and stamped as a
20 part, assembled under one jacket and connected with no
21 intervening stop valves.

22 "National [board] Board." The National Board of Boiler and
23 Pressure Vessel Inspectors.

24 "Person." Any individual, firm, partnership, unincorporated
25 association, corporation or municipality. The term shall include
26 the Commonwealth.

27 "Portable boiler." A boiler mounted on or in a truck,
28 trailer or skid that is used as a temporary installation. The
29 term includes portable boilers that heat any medium used in a
30 process.

1 "Power boiler." A boiler in which steam or other vapor is
2 generated at a pressure of more than 15 [pounds per square inch
3 (psi)] psi.

4 "Process boiler." Any vessel in which steam is generated or
5 superheated under pressure or vacuum for use external to itself
6 by direct or indirect application of heat. The source of heat
7 must be in part or whole from a process other than the boiler
8 itself. In order to be classified as a process boiler, the
9 boiler must be directly tied to another process other than the
10 generation of steam.

11 "Storage water heater." A vessel in which water is heated by
12 the direct application of heat from the combustion of fuels or
13 from electricity for the purpose of providing and storing hot
14 water, which operates at a maximum pressure of 160 psi and a
15 maximum temperature of 210°F and is limited to hot water supply.

16 "Unfired pressure vessel." Any vessel in which pressure is
17 obtained from an external source or from an indirect application
18 of heat.

19 Section 4. Design and construction.

20 (a) General rule.--Every boiler or unfired pressure vessel
21 used or destined for use in this Commonwealth shall be [so
22 designed and constructed with respect to the thickness and
23 strength of the materials used in construction, stay bolts and
24 braces, drums, headers, tubes, doors, riveting, welding, steam,
25 air and water gauges, safety devices, blow-offs, all necessary
26 piping and all other parts and appurtenances and shall be
27 installed, operated and maintained] designed, constructed and
28 installed in accordance with the codes adopted under this act,
29 or any successor code adopted by the department, and shall be
30 operated and maintained [as] to safely sustain the pressure at

1 which the boiler or unfired pressure vessel is designed and
2 intended to operate.

3 (b) Interim requirements.--The department shall use the
4 following codes and editions until such time as new regulations
5 are promulgated and become effective:

6 (1) ASME Boiler and Pressure Vessel Codes 2010 edition
7 and 2011 addenda.

8 (2) National Board Inspection Code (NBIC) (ANSI/NB23),
9 2011 edition.

10 (3) National Fire Protection Association (NFPA) Code
11 Pamphlet 85 (Boiler and Combustion Systems Hazards Code),
12 2011 edition.

13 (4) ASME CSD1 Code Controls and Safety Devices, 2009
14 edition.

15 (5) ASME Piping Code ASME B31.1 (Power Piping) and ASME
16 B31.3 (Process Piping), 2010 edition.

17 Section 5. Construction of act.

18 Nothing in this act shall be construed to apply to:

19 (1) Boilers and unfired pressure vessels owned or
20 operated by the Federal Government.

21 (2) Boilers and unfired pressure vessels regulated under
22 the Atomic Energy Act of 1954 (68 Stat. 921, 42 U.S.C. § 2011
23 et seq.).

24 (3) Pressure vessels used for the transportation of
25 compressed gases if constructed and operated in compliance
26 with specifications and regulations of the United States
27 Department of Transportation. This paragraph includes the
28 stationary use of these vessels.

29 (4) Air tanks located on vehicles operating under the
30 rules of other Commonwealth agencies and used for carrying

1 passengers or freight.

2 (5) Air tanks installed on the right-of-way of railroads
3 and used directly in the operation of switcher and signals
4 and under Federal or other Commonwealth agency jurisdiction.

5 (6) Boilers located in [single-family] one-family and
6 two-family dwellings[, multiunit dwellings with four or fewer
7 units].

8 (7) Boilers located in [farms, except in sales areas
9 which are accessible to the public] agricultural buildings.

10 (8) Storage water heaters and instantaneous water
11 heaters if all of the following limitations are not exceeded:

12 (i) A heat input of 200,000 BTUs/hour (58.6kW).

13 (ii) A water temperature of 210°F (99°C).

14 (iii) A nominal water-containing capacity of 12
15 gallons (454 L).

16 (9) Unfired pressure vessels having an internal or
17 external operating pressure of no more than 15 psi with no
18 limitation on size when equipped with approved safety
19 devices.

20 (10) Unfired pressure vessels with a nominal water
21 containing capacity of up to 120 gallons containing liquid
22 under pressure and not exceeding 100 psi at ambient
23 temperature. These vessels include unfired pressure vessels
24 that contain air, which is trapped in the system and where
25 the compression air serves only as a cushion.

26 (11) Filters and softeners with a nominal water
27 containing capacity of 120 gallons or less and pressures not
28 exceeding 100 psi at ambient temperature.

29 (12) Air conditioner heat exchangers or chillers and
30 refrigeration unit heat exchangers with a design pressure not

1 more than 300 psi and a water temperature not more than
2 210°F.

3 (13) Any other type of boiler or unfired pressure vessel
4 that the department may identify by regulation.

5 Section 6. Registration of boilers and unfired pressure
6 vessels.

7 (a) Registration required.--The owner [or user] of every
8 boiler or unfired pressure vessel subject to this act shall
9 register with the department every boiler or unfired pressure
10 vessel it operates, showing compliance with the provisions of
11 this act and the regulations promulgated under this act. The
12 registration shall be in a format prescribed by the department.

13 (b) Change of location.--If the location of any boiler or
14 unfired pressure vessel, including a portable boiler, is
15 changed, a change of address shall be filed with the department
16 within ten days of the change in a format prescribed by the
17 department.

18 (c) Change of use.--If the boiler or unfired pressure vessel
19 is to be used for a purpose other than that shown on the
20 original registration, the owner [or user] must reregister the
21 equipment with the department prior to the change of use.

22 (d) Inspection.--No boiler or unfired pressure vessel shall
23 be operated in this Commonwealth until it is inspected under
24 sections 9 and 10 and the department issues a certificate of
25 operation under section 11.

26 Section 7. Shop inspection.

27 (a) Inspection required.--Every boiler or unfired pressure
28 vessel destined for use in this Commonwealth shall be inspected
29 during its construction by an individual who has a valid
30 [national board] National Board commission to perform an

1 inspection. Every boiler or unfired pressure vessel which has
2 been so inspected shall, upon completion, have placed upon it [a
3 stamp bearing a symbol and number authorized by the department
4 for this purpose.] the appropriate ASME symbol. The following
5 apply:

6 (1) The department may accept comparable shop inspection
7 and quality control standards which are equivalent to or
8 exceed the ASME or [national board] National Board standards.

9 (2) A manufacturer's data report for every boiler or
10 unfired pressure vessel inspected under this subsection shall
11 be registered with the [national board] National Board.

12 (b) Boiler not shop-inspected.--Any boiler or unfired
13 pressure vessel which has not been shop-inspected and registered
14 with the National Board as required under subsection (a) may be
15 installed within this Commonwealth if either of the following
16 requirements are met:

17 (1) Submission of an ASME data report and payment of a
18 special equipment application fee.

19 (2) Submission of all of the documentation under this
20 paragraph. For purposes of this paragraph, all tests shall be
21 made under the supervision of a Commonwealth-commissioned
22 inspector or an individual holding a valid National Board
23 commission. The required documentation is as follows:

24 [(1) Submission of a] (i) A request for approval to
25 install the equipment, in a form prescribed by the
26 department, to the department.

27 [(2)] (ii) Furnishing of mill test reports of
28 material to show compliance with the ASME Code or another
29 code accepted by the department. If mill test reports or
30 other required information cannot be produced, the

1 department may, in its discretion, accept other
2 documentation.

3 [(3)] (iii) Furnishing of calculations and stress
4 analyses showing the maximum allowable working pressure
5 under the ASME Code or another code accepted by the
6 department. These stress analyses shall be certified by a
7 registered professional engineer.

8 [(4) If] (iv) Documentation of X-ray testing where
9 equipment is of welded construction[,]. The documentation
10 shall show that all seams [that are] required to be X-
11 rayed [by] according to the ASME Code or another code
12 accepted by the department [shall be] were X-rayed.

13 [(5)] (v) Establishment that welding meets
14 requirements of the ASME Code or another code accepted by
15 the department. If names of welders or other required
16 information cannot be produced, the department may, in
17 its discretion, accept other documentation.

18 [(6)] (vi) Subjection of equipment to nondestructive
19 examination or test that verifies structural integrity.

20 [(7) All tests shall be made under the supervision of a
21 Commonwealth-commissioned inspector or an individual holding
22 a valid national board commission.]

23 [(8)] (vii) Submission of a data sheet comparable to
24 the appropriate ASME data report form and certified by a
25 [national board-commissioned] National Board-commissioned
26 inspector.

27 [(9) If mill test reports, names of welders or other
28 required information cannot be produced, the department may,
29 in its discretion, accept other documentation.

30 [(10)] (viii) Payment of a special equipment

1 application fee.

2 [(11) Compliance with the requirements outlined under
3 section 7.]

4 (c) Exemption.--[Boilers] A boiler built prior to December
5 31, 1929, or [any] an unfired pressure [vessels] vessel built
6 prior to June 1, 1938, which [have] has not been removed from
7 this Commonwealth shall be exempt from the requirements of
8 subsections (a) and (b).

9 Section 8. Repairs and alterations.

10 (a) General rule.--Repairs and alterations to [boilers and]
11 a boiler or unfired pressure [vessels] vessel shall be made in
12 accordance with [the requirements of the most current edition of
13 the National Board Inspection Code (ANSI/NB-23) and] the edition
14 of the code currently adopted by the department at the time of
15 the repair or alteration. If it is not technically feasible to
16 repair or alter the boiler or unfired pressure vessel to the
17 current code, the owner may use the code in effect at the time
18 the boiler or unfired pressure vessel was constructed. Any
19 repair or alteration shall be performed by a person holding a
20 [national board] National Board inspection code "R," "VR" or
21 "NR" repair certificate [or a certificate of authorization
22 issued by the ASME].

23 (b) Alternative repair or alteration guidelines.--The
24 department may approve alternative repair or alteration
25 guidelines for any boiler or unfired pressure vessel subject to
26 section 7(b).

27 Section 9. Field inspection.

28 (a) Insurance company.--If a boiler or unfired pressure
29 vessel is insured by a company authorized to insure boilers or
30 unfired pressure vessels in this Commonwealth, the owner may

1 request that the insurance company assure that a field
2 inspection is made by an inspector employed by the insurance
3 company. The furnishing of or failure to furnish field
4 inspections, insurance inspections or advisory services in
5 connection with or incidental to the issuance or renewal of a
6 policy of property, casualty or boiler and machinery insurance
7 shall not subject the insurer, whether domestic or foreign, its
8 agents, employees or service contractors to liability for
9 damages from injury, death or loss occurring as a result of any
10 act or omission in the course of those services. This provision
11 shall not apply in the event the intentional act of the insurer,
12 its agent, employee or service contractor created the condition
13 that was the proximate cause of injury, death or loss.

14 (b) Inspector employed by owner.--[Boilers] A boiler or
15 unfired pressure [vessels] vessel may be field-inspected by an
16 inspector in the employ of the owner if all of the following
17 apply:

18 (1) The inspector is a full-time employee of the owner
19 for the purpose of making inspections of boilers or unfired
20 pressure vessels used or to be used by the owner.

21 (2) The inspector has obtained a commission from the
22 department as required under section [11] 12.

23 (3) The owner continuously maintains an engineering
24 division.

25 (4) The [boilers] boiler or unfired pressure [vessels
26 are] vessel is involved in process operations, of which a
27 knowledge of the process, in addition to that of the
28 construction of the vessels, is required by the inspector.

29 (5) The owner files regular field inspection reports
30 with the department in a form approved by the department and

1 pays the certificate fee set by the department through
2 regulation.

3 (c) Commissioned private inspector.--A boiler or unfired
4 pressure vessel may be field-inspected by a commissioned private
5 inspector if all of the following apply:

6 (1) The inspector, at the time of inspection, possesses
7 a valid commission issued by the department under section 12.

8 (2) The inspector is employed by or possesses a
9 certification as an authorized private inspection agency
10 under section 12.

11 (3) The boiler or unfired pressure vessel is not insured
12 by a company authorized to insure boilers or unfired pressure
13 vessels in this Commonwealth, unless the inspector has
14 contracted with such company to perform the field inspection.

15 [(c)] (d) Department inspector.--If the owner does not
16 assure that a field inspection is made by an inspector, the
17 boiler or unfired pressure vessel shall be inspected by a
18 department inspector. The owner shall be responsible to pay the
19 department a fee for the inspection.

20 (e) Failure to comply.--If the owner of a boiler or unfired
21 pressure vessel fails to assure a field inspection is performed
22 in accordance with the schedule set forth in section 11, the
23 owner shall be subject to appropriate enforcement action as
24 provided under this act.

25 [(d) Regular field inspections.--Regular field inspections
26 shall be made as follows:

27 (1) Power boilers and process boilers shall be field-
28 inspected once every 12 months except as provided under
29 subsections (e) and (f).

30 (2) Low-pressure steam vapor, hot water heating and hot

1 water supply boilers shall be field-inspected every two
2 years.

3 (3) Unfired pressure vessels shall be inspected every
4 three years.

5 (4) The department by regulation may adopt different
6 inspection frequencies for specific classifications of
7 boilers, miniature boilers and unfired pressure vessels.

8 (e) Power boiler internal inspections.--Power boiler
9 internal inspections may be extended to 24 months if the
10 following requirements are met:

11 (1) Continuous boiler water treatment under the direct
12 supervision of persons trained and experienced in water
13 treatment for the purpose of controlling and limiting
14 corrosion and deposits.

15 (2) Recordkeeping available for review showing:

16 (i) The date and time the boiler is out of service
17 and the reason therefor.

18 (ii) Daily analysis of water samples that adequately
19 show the conditions of the water and any elements or
20 characteristics which are capable of producing corrosion
21 or other deterioration to the boiler or its parts.

22 (3) Annual external inspections are performed by a
23 Commonwealth-commissioned inspector, which shall include a
24 review of items under paragraphs (1) and (2).

25 (4) The boiler is operated under direct supervision of
26 persons competent in all aspects of boiler operations.

27 (5) Inspection records demonstrate that no significant
28 scaling, corrosion, erosion or overheating has occurred.

29 (f) Process boiler internal inspections.--Process boiler
30 internal inspections may be extended to 60 months if:

1 (1) Conditions under subsection (e) (1), (2), (3) and (5)
2 are met.

3 (2) The boiler is in continuous operation and is fully
4 attended.

5 (g) Altering inspection.--The department upon the request of
6 the owner, user or insurer of the boiler or unfired pressure
7 vessel may alter the inspection schedule for a period of not
8 more than six months.

9 (h) Certificate of operation.--The department upon written
10 notification to the owner may limit issuance of the certificate
11 of operation based on conditions reported by the department
12 inspector.

13 (i) Extension.--Holders of current certificates of operation
14 for process boilers or power boilers may apply for extension of
15 their certificates by written request to the department. The
16 request must include an assurance that all requirements
17 specified in this act are being met. The department may carry
18 out any necessary inspections to verify the accuracy of this
19 assurance.]

20 (f) Report.--Each inspector shall forward to the department
21 a report of each field inspection made of any boiler or unfired
22 pressure vessel showing the exact condition of the boiler or
23 unfired pressure vessel. Inspection reports shall be submitted
24 within 15 days of the date of inspection. Inspection reports
25 received more than 15 days after the inspection was made may be
26 considered invalid by the department. The report shall be filed
27 on the form and in the manner prescribed by the department.

28 Section 2. Sections 10, 11, 12, 13, 14, 15, 16, 17, 18 and
29 19 of the act are repealed:

30 [Section 10. Issuance of certificates of operation.

1 (a) Report.--Every inspector shall forward to the department
2 a report of each field inspection made of any boiler or unfired
3 pressure vessel showing the exact condition of the boiler or
4 unfired pressure vessel. Inspection reports shall be submitted
5 within 30 days of the date of inspection. Inspection reports
6 received 30 days after the inspection was made may be considered
7 invalid by the department. This report shall be filed in a
8 manner prescribed by the department.

9 (b) Initial certificate of compliance.--If the initial
10 inspection indicates that the boiler or unfired pressure vessel
11 is in compliance and is in a safe condition to be operated, the
12 inspector shall so notify the department. The department shall
13 issue an initial certificate of operation. The certificate of
14 operation shall become valid upon payment of the appropriate
15 fee.

16 (c) Renewal certificate.--If subsequent inspections indicate
17 that the boiler or unfired pressure vessel is in a safe
18 condition to be operated, the inspector shall so notify the
19 department. The department shall issue a renewal certificate.
20 The renewal certificate shall become valid upon payment of the
21 appropriate fee.

22 (d) Boiler not to be operated.--If an inspection indicates
23 that the boiler or unfired pressure vessel is not in a safe
24 condition to be operated, the boiler or unfired pressure vessel
25 shall not be operated until:

26 (1) Proper repairs are made in accordance with this act.

27 (2) An inspection or reinspection of the boiler or
28 unfired pressure vessel indicates that it is in a safe
29 condition to be operated.

30 (3) An initial certificate of operation or renewal

1 certificate of operation, as appropriate, is issued.

2 (e) Boiler dangerous to life or property.--If an inspector,
3 upon inspection, finds that a boiler or unfired pressure vessel
4 is dangerous to life or property, the inspector shall
5 immediately notify the department of all facts in connection
6 with the boiler or unfired pressure vessel. After review of all
7 facts presented, the department may require the owner or user of
8 the boiler or unfired pressure vessel to discontinue its
9 operation immediately, and the department shall place a notice
10 upon the boiler or unfired pressure vessel placing the boiler or
11 unfired pressure vessel out of service. The owner or user of the
12 boiler or unfired pressure vessel shall not operate the same
13 until the requirements of subsection (d) are met.

14 Section 11. Inspector commissions and fees for examination.

15 (a) Examination.--No person shall perform field inspections
16 until he has passed an examination administered by the
17 department.

18 (b) Issuance of commission.--The department shall issue an
19 inspector commission if the applicant passes the examination
20 described under subsection (a) and remits the appropriate fee.

21 (c) Renewal.--An inspector shall renew his commission
22 annually by submitting an application to the department,
23 accompanied by the appropriate renewal fee.

24 (d) Suspension.--The Secretary of Labor and Industry may
25 suspend an inspector commission for due cause. No inspector
26 commission may be revoked until the inspector has been granted
27 an opportunity to appear before the department at a hearing.

28 Section 12. Enforcement.

29 The department shall enforce this act and the regulations
30 promulgated under this act.

1 Section 13. Placement of equipment out of service.

2 If the owner, operator or user of any boiler or unfired
3 pressure vessel fails to comply with the provisions of this act
4 or has received a written order served by the department
5 requesting compliance with the provisions of this act and
6 nevertheless fails to comply with the written order within the
7 time specified, the department may immediately order the boiler
8 or unfired pressure vessel to be placed out of service until the
9 requirements of this act have been fully complied with.

10 Section 14. Regulatory authority.

11 The department may make, alter, amend or repeal regulations
12 for the construction, stamping, installation, maintenance,
13 repair, inspection and operation of boilers and unfired pressure
14 vessels used or destined for use in this Commonwealth. The
15 regulations may be based upon generally accepted national or
16 international engineering standards, formulas and practices
17 established and pertaining to boiler and unfired pressure vessel
18 construction insofar as they are consistent with this act.

19 Section 15. Right of entry.

20 For the purposes of enforcing this act, the department shall
21 have the power to enter any buildings or structures housing
22 boilers or unfired pressure vessels, and no person shall hinder,
23 delay or interfere with the department in the performance of its
24 duty nor refuse information necessary to determine whether the
25 provisions of this act are or will be complied with.

26 Section 16. Accident report.

27 The owner, user or operator of a boiler or unfired pressure
28 vessel shall immediately notify the department by telephone,
29 fax, telegraph or messenger of any accident. No part or parts of
30 the affected equipment shall be removed or disturbed without the

1 permission of the department except to perform emergency rescue
2 or limit serious property damage. Within five days of the
3 accident, the owner, user or operator shall file with the
4 department a written report in a form prescribed by the
5 department.

6 Section 17. Fees.

7 Fees for inspections, certificates of operation, inspector
8 commission examinations, inspector commission renewals,
9 registration of equipment and special equipment application
10 shall be as set forth in section 613-A of the act of April 9,
11 1929 (P.L.177, No.175), known as The Administrative Code of
12 1929, until changed by law.

13 Section 18. Procedure in prosecutions.

14 Prosecutions for violations of the provisions of this act or
15 the regulations promulgated under this act may be instituted by
16 the department and shall be in the form of summary proceedings
17 before a district justice. Upon conviction after a hearing, the
18 penalties provided in this act shall be imposed and shall be
19 final unless an appeal is taken to a court of proper
20 jurisdiction in the manner prescribed by law.

21 Section 19. Penalties.

22 (a) Violation of provisions.--A person who violates this act
23 or the regulations promulgated under this act or who fails or
24 neglects to pay the fees required by this act shall, upon
25 conviction for the first offense, be sentenced to pay a fine of
26 not more than \$500 plus costs and, upon nonpayment thereof, to
27 imprisonment for not more than ten days. For each subsequent
28 offense, the person shall, upon conviction, be sentenced to pay
29 a fine of not more than \$1,000 plus costs and, upon nonpayment
30 thereof, to imprisonment for not more than 30 days.

1 (b) Interfering with enforcement.--A person who hinders or
2 delays or interferes with the department in the enforcement of
3 this act shall, upon conviction, be sentenced to pay not more
4 than \$500 for the first offense. For subsequent offenses, the
5 person may be sentenced to pay not more than \$1,000 plus costs
6 or to not more than three months' imprisonment, or both, in the
7 discretion of the court.

8 (c) Refusal to put boiler out of service.--A person who
9 fails or refuses to place a boiler or unfired pressure vessel
10 out of service after the department serves notice on him and
11 upon the boiler or unfired pressure vessel shall, upon
12 conviction, be sentenced to pay \$500 per day for each day he
13 fails or refuses to place the boiler or unfired pressure vessel
14 out of service.]

15 Section 3. The act is amended by adding sections to read:
16 Section 10. Field inspection frequency.

17 (a) General rule.--A boiler or unfired pressure vessel shall
18 be inspected before being placed into service. Regular field
19 inspection shall be made on a periodic basis as provided in this
20 section.

21 (b) Power boilers and process boilers.--Power boilers and
22 process boilers shall be internally field-inspected once every
23 12 months, except as follows:

24 (1) Power boiler internal inspections may be extended to
25 24 months if the following requirements are met:

26 (i) Continuous boiler water treatment under the
27 direct supervision of persons trained and experienced in
28 water treatment for the purpose of controlling and
29 limiting corrosion and deposits.

30 (ii) Recordkeeping available for review showing:

1 (A) the date and time the boiler is out of
2 service and the reason therefore; and

3 (B) daily analysis of water samples that
4 adequately show the conditions of the water and any
5 elements or characteristics which are capable of
6 producing corrosion or other deterioration to the
7 boiler or its parts.

8 (iii) Annual external inspections are performed by a
9 Commonwealth-commissioned inspector, which shall include
10 a review of items under subparagraph (ii).

11 (iv) The boiler is operated under direct supervision
12 of persons competent in all aspects of boiler operations.

13 (v) Inspection records demonstrate that no
14 significant scaling, corrosion, erosion or overheating
15 has occurred.

16 (2) Process boiler internal inspections may be extended
17 to 60 months if:

18 (i) Conditions under paragraph (1)(i), (ii), (iii)
19 and (v) are met.

20 (ii) The boiler is in continuous operation and is
21 fully attended.

22 (c) Low-pressure steam vapor, hot water heating and supply
23 boilers.--Low-pressure steam vapor, hot water heating and hot
24 water supply boilers shall be field-inspected every two years.

25 (d) Unfired pressure vessels.--Unfired pressure vessels
26 shall be field-inspected every three years.

27 (e) Alteration of inspection schedule.--The department, upon
28 request of the owner or insurer of the boiler or unfired
29 pressure vessel, may alter the inspection schedule for a period
30 of not more than six months.

1 (f) Boilers determined deficient.--If an inspector finds
2 that a boiler is dangerous to life or property, the inspector
3 shall immediately notify the department of all deficiencies. If
4 the department determines that a boiler or unfired pressure
5 vessel is not in a safe condition to be operated, the boiler or
6 unfired pressure vessel shall not be operated until the
7 following occur:

8 (1) Proper repairs are made in accordance with this act.

9 (2) An inspection of the boiler or unfired pressure
10 vessel indicates that it is in a safe condition to be
11 operated.

12 (3) A certificate of operation is issued by the
13 department.

14 Section 11. Certificates of operation.

15 If the inspection report received pursuant to section 9(f)
16 indicates that the boiler or unfired pressure vessel is in
17 compliance with the applicable codes and is safe for operation,
18 the department shall issue a certificate of operation. The
19 certificate of operation is valid upon payment of the
20 appropriate fee.

21 Section 12. Inspector commissions and authorized private
22 inspection agencies.

23 (a) Inspector commissions.--

24 (1) No person shall perform field inspections until the
25 person has passed an examination administered by the
26 department.

27 (2) The department shall issue an inspector commission
28 if the applicant passes the examination under paragraph (1)
29 and remits the appropriate fee.

30 (3) An inspector shall renew an inspection commission

1 annually by submitting an application to the department,
2 accompanied by the appropriate fee.

3 (b) Authorized private inspection agencies.--

4 (1) Current certification as an authorized private
5 inspection agency is required to conduct inspections of
6 boilers or unfired pressure vessels if the inspector is not
7 employed by an insurance company authorized to insure boilers
8 or unfired pressure vessels in this Commonwealth, by the
9 owner of the boiler or unfired pressure vessel or by the
10 department.

11 (2) Any person, firm or corporation intending to be
12 commissioned by the department to conduct inspections in the
13 capacity of a commissioned private inspector shall first
14 obtain certification as an authorized private inspection
15 agency.

16 (3) The department may promulgate regulations for the
17 certification and renewal of certification of authorized
18 private inspection agencies. The regulations shall include:

19 (i) Submission of an application on a form
20 established by the department.

21 (ii) Payment of a fee to be established by the
22 department.

23 (iii) Submission of satisfactory proof of liability
24 insurance for the purpose of compensation to third
25 parties for injuries to persons or property, including,
26 but not limited to, bodily injury and property damage,
27 which result from or relate to an inspector's or agency's
28 negligent inspection or recommendation for certification
29 of a boiler or pressure vessel, in an amount to be
30 established by the department.

1 (iv) Submission of proof of accreditation as an
2 authorized inspection agency by the National Board.

3 (c) Lack of direct or indirect interest.--No person or
4 entity shall be commissioned to act as an inspector or as an
5 authorized private inspection agency if the person or entity
6 possesses any direct or indirect interest in the manufacture,
7 sale or repair of boilers or unfired pressure vessels. Any
8 commissioned inspector or authorized private inspection agency
9 that acquires an interest shall immediately disclose the
10 interest to the department. The acquisition of the interest
11 shall be grounds for suspension or revocation of a commission.

12 (d) Revocation.--The Secretary of Labor and Industry may
13 suspend or revoke an inspector commission or commission as an
14 authorized private inspection agency for just cause. Proceedings
15 under this section are subject to the right of notice, hearing
16 and adjudication under 2 Pa.C.S. (relating to administrative law
17 and procedure). Proceedings shall be conducted under 1 Pa. Code
18 Pt. II (relating to the general rules of administrative practice
19 and procedure).

20 Section 13. Powers of department.

21 (a) Enforcement and regulation.--The department shall
22 enforce this act and is empowered to promulgate and enforce
23 regulations to implement this act. The regulations may be based
24 upon generally accepted national or international engineering
25 standards, formulas and practices established and pertaining to
26 boiler and unfired pressure vessel construction insofar as they
27 are consistent with this act.

28 (b) Interim regulations.--The department shall use the
29 current regulations under 34 Pa. Code Ch. 3a (relating to boiler
30 and unfired pressure vessel regulations) until new regulations

1 are promulgated and published as final rule in the Pennsylvania
2 Bulletin and become effective, unless otherwise specified in
3 this act.

4 Section 14. Department investigation.

5 (a) Authority to investigate.--The department is authorized
6 to investigate violations of this act.

7 (b) Right of entry.--For the purposes of enforcing this act,
8 the department shall have the power to enter any building or
9 structure housing boilers or unfired pressure vessels. No person
10 shall hinder, delay or interfere with the department in the
11 performance of its duty nor refuse information necessary to
12 determine whether the provisions of this act have been or will
13 be complied with.

14 Section 15. Accident report.

15 The owner of a boiler or unfired pressure vessel shall
16 immediately notify the department of any accident involving the
17 boiler or unfired pressure vessel. No part of the affected
18 equipment shall be removed or disturbed without the permission
19 of the department except to perform emergency rescue or limit
20 serious property damage. Within five days of the accident, the
21 owner shall file with the department a written report in a form
22 prescribed by the department.

23 Section 16. Fees.

24 ~~(a) Fees.--Fees for inspections, certificates of operation, <--~~
25 ~~inspector commission examinations, inspector commission~~
26 ~~renewals, registration of equipment and special equipment~~
27 ~~applications shall be as set forth in section 613-A of the act~~
28 ~~of April 9, 1929 (P.L.177, No.175), known as The Administrative~~
29 ~~Code of 1929.~~

30 ~~(b) Disposition of fees collected. All fees collected under <--~~

~~1 this act or the rules and regulations established under this act~~
~~2 shall be paid to the department and deposited in a restricted~~
~~3 account to be used for the enforcement of this act.~~

4 Section 17. Department enforcement.

5 (a) Authority.--The department may, upon discovering a
6 violation of this act, issue an order to place a boiler or
7 unfired pressure vessel out of service. An order under this
8 section shall comply with all of the following:

9 (1) Be in writing.

10 (2) State any corrective action necessary.

11 (b) Appeal.--

12 (1) A person may appeal to the board the issuance of an
13 order under subsection (a).

14 (2) This subsection is subject to 2 Pa.C.S. Chs. 5
15 Subch. A (relating to practice and procedure of Commonwealth
16 agencies) and 7 Subch. A (relating to judicial review of
17 Commonwealth agency action).

18 Section 18. Administrative penalties.

19 (a) Administrative penalty.--The department may impose the
20 following administrative penalties for each violation of this
21 act:

22 (1) A fine of no more than \$2,500 for each violation of
23 this act.

24 (2) Any other corrective action that it deems necessary
25 to address a violation of this act.

26 (b) Separate violation.--A violation of this act occurs for
27 each boiler or unfired pressure vessel that is found to be in
28 violation of this act.

29 (c) Procedure.--This section is subject to 2 Pa.C.S. Chs. 5
30 Subch. A (relating to practice and procedure of Commonwealth

1 agencies) and 7 Subch. A (relating to judicial review of
2 Commonwealth agency action).

3 ~~(d) Disposition of fines collected. All fines collected~~ <--
4 ~~under this act or the rules and regulations established under~~
5 ~~this act shall be paid to the department and deposited in a~~
6 ~~restricted account to be used for the enforcement of this act.~~

7 Section 4. This act shall take effect as follows:

8 (1) The addition of sections 9(c) and 12(b) of the act
9 shall take effect 60 days following publication of notice in
10 the Pennsylvania Bulletin that the regulations required to
11 commission authorized private inspection agencies have been
12 finally adopted.

13 (2) The remainder of this act shall take effect in 180
14 days.