

**HOUSE BILL NO. 326**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/2/00

Referred: Labor and Commerce, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the inspection of boilers and pressure vessels and to fees for  
2 services under the boilers and pressure vessels program; and providing for an  
3 effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 18.60.220 is amended to read:

6 **Sec. 18.60.220. Duties of the Department of Labor and Workforce**

7 **Development.** The Department of Labor and Workforce Development shall

8 (1) have all violators of AS 18.60.180 - 18.60.390 prosecuted;

9 (2) issue, suspend, or revoke for cause, [INSPECTION] certificates **of**  
10 **operation** provided for in AS 18.60.390;

11 (3) take action necessary for the enforcement of the laws and  
12 regulations governing the use of boilers and unfired pressure vessels;

13 (4) keep a complete record of the type, dimensions, maximum  
14 allowable working pressure, age, condition, location, and date of the last recorded

1 internal inspection of boilers and unfired pressure vessels to which AS 18.60.180 -  
2 18.60.390 apply;

3 (5) adopt regulations establishing reasonable fees **for services provided**  
4 **under this chapter, including fees** for administering special inspector examinations  
5 and for processing applications for special inspector commissions; and

6 (6) do acts necessary to carry out the purposes of AS 18.60.180 -  
7 18.60.390.

8 \* **Sec. 2.** AS 18.60.260 is amended to read:

9 **Sec. 18.60.260. Duty of special inspectors.** Each special inspector shall  
10 inspect all boilers and unfired pressure vessels insured or operated by the inspector's  
11 company. [THE OWNER AND USER OF A BOILER OR UNFIRED PRESSURE  
12 VESSEL INSPECTED BY ITS SPECIAL INSPECTOR IS EXEMPT FROM THE  
13 PAYMENT OF THE INSPECTION FEES PROVIDED IN AS 18.60.360.]

14 \* **Sec. 3.** AS 18.60.270(a) is amended to read:

15 (a) Each company employing a special inspector shall, within 30 days  
16 following each inspection **of** [FOR CERTIFICATION AS REQUIRED BY AS  
17 18.60.390 FOR] a boiler or unfired pressure vessel, file a report of the inspection with  
18 the Department of Labor and Workforce Development upon forms adopted by the  
19 department.

20 \* **Sec. 4.** AS 18.60.315 is amended to read:

21 **Sec. 18.60.315. Inspection standards.** Unless the Department of Labor and  
22 Workforce Development establishes by regulation a different edition, the most current  
23 edition of the National Board Inspection Code Manual for Boiler and Pressure Vessel  
24 Inspectors constitutes the minimum boiler and pressure vessel inspection standard of  
25 the state for boilers and pressure vessels after they have received their initial  
26 [INSPECTION] certificates **of operation** from the Department of Labor and Workforce  
27 Development. The Department of Labor and Workforce Development may adopt  
28 regulations for the maximum practical implementation of the manual and may grant  
29 an exception from a specific provision of the manual when the department determines  
30 that the implementation of the provision would be impractical.

31 \* **Sec. 5.** AS 18.60.320(a) is amended to read:

1 (a) Each boiler and unfired pressure vessel used or proposed to be used in the  
 2 state except boilers or unfired pressure vessels exempt under AS 18.60.210 shall be  
 3 inspected as to construction, installation, condition, and operation, as follows:

4 (1) power boilers and high pressure or high temperature water boilers  
 5 shall be given an [A CERTIFICATE] inspection annually; the inspector may conduct  
 6 an external inspection while the boiler is under pressure or an internal inspection if  
 7 warranted;

8 (2) low pressure steam or vapor heating boilers shall be given an [A  
 9 CERTIFICATE] inspection biennially with an internal inspection every four years if  
 10 its construction permits an internal inspection;

11 (3) hot water heating, hot water supply, and coil heating boilers shall  
 12 be given an [A CERTIFICATE] inspection biennially with an internal inspection at the  
 13 discretion of the inspector;

14 (4) each unfired pressure vessel shall be inspected internally and  
 15 externally at intervals set by the Department of Labor and Workforce Development;  
 16 an internal inspection of an unfired pressure vessel is not required if its contents are  
 17 known to be noncorrosive to the material of which the shell, head, or fittings are  
 18 constructed, either from the chemical composition of the contents or from evidence  
 19 that the contents are adequately treated with a corrosion inhibitor, and if the vessel is  
 20 constructed in accordance with

21 (A) regulations of the Department of Labor and Workforce  
 22 Development, if any, in effect at the time of manufacture;

23 (B) standards set out in the American Society of Mechanical  
 24 Engineers Boiler and Pressure Vessel Code in effect at the time of manufacture  
 25 until September 6, 1981; or

26 (C) if the department adopts subsequent revisions of that code,  
 27 the standards set out in those revisions as adopted by the department and in  
 28 effect at the time of manufacture.

29 \* **Sec. 6.** AS 18.60.340 is amended to read:

30 **Sec. 18.60.340. Certificate of operation [INSPECTION CERTIFICATES].**

31 (a) **Annually** [IF, UPON INSPECTION, A BOILER OR AN UNFIRED PRESSURE

1 VESSEL COMPLIES WITH THE REGULATIONS OF THE DEPARTMENT OF  
 2 LABOR AND WORKFORCE DEVELOPMENT], the owner or user **of a boiler or**  
 3 **unfired pressure vessel** shall pay to the department a certificate **of operation** fee to  
 4 be established by regulation by the commissioner of labor and workforce development.  
 5 The Department of Labor and Workforce Development shall issue to the owner or user  
 6 **a** [AN INSPECTION] certificate **of operation, valid for one year,** [SHOWING THE  
 7 DATE OF INSPECTION AND] specifying the maximum pressure under which the  
 8 boiler or unfired pressure vessel may be operated. The certificate **of operation** shall  
 9 be posted in a location convenient to the boiler or unfired pressure vessel. **The owner**  
 10 **or user of a boiler or unfired pressure vessel may not operate the boiler or**  
 11 **pressure vessel unless the certificate of operation fee required by this subsection**  
 12 **has been paid.**

13 (b) A company authorized by the Department of Community and Economic  
 14 Development under AS 21.09 to insure boilers or unfired pressure vessels shall notify  
 15 the Department of Labor and Workforce Development each time it discontinues the  
 16 insurance for a boiler or unfired pressure vessel located in the state. The Department  
 17 of Labor and Workforce Development shall terminate the [INSPECTION] certificate  
 18 **of operation** and require a reinspection if the insurance was terminated because of a  
 19 condition dangerous to life or property.

20 \* **Sec. 7.** AS 18.60.350 is amended to read:

21 **Sec. 18.60.350. Suspension of [INSPECTION] certificate of operation.** The  
 22 Department of Labor and Workforce Development may suspend **a** [AN INSPECTION]  
 23 certificate **of operation** when, in its opinion, the boiler or unfired pressure vessel for  
 24 which it was issued cannot be operated without menace to the public safety, or when  
 25 the boiler or unfired pressure vessel does not comply with the regulations. A special  
 26 inspector has this same power to suspend **a** [AN INSPECTION] certificate **of**  
 27 **operation** for an insured boiler or unfired pressure vessel or an unfired pressure vessel  
 28 operated by the company employing the special inspector. Suspension of **a** [AN  
 29 INSPECTION] certificate **of operation** continues in effect until reinstatement. A  
 30 certificate **of operation** may not be reinstated until the boiler or unfired pressure vessel  
 31 conforms to the rules and regulations of the Department of Labor and Workforce

1 Development.

2 \* **Sec. 8.** AS 18.60.360 is amended to read:

3 **Sec. 18.60.360. Fees [INSPECTION FEES].** (a) The commissioner of labor  
4 and workforce development shall, by regulation, establish reasonable fees to be  
5 charged for the **certificates of operation for** [INSPECTION OF] boilers and unfired  
6 pressure vessels. **Fees shall** [SEPARATE FEES MAY] be established for **special**  
7 **inspections. Fees for special inspections** [EXTERNAL INSPECTION, INTERNAL  
8 INSPECTION, SHOP INSPECTION, AND HYDROSTATIC TESTS, AND FEES]  
9 may vary depending upon the rated power, heating surface area, or cross sectional area  
10 of boilers and unfired pressure vessels.

11 (b) The owner or user of a boiler or unfired pressure vessel that **receives a**  
12 **special inspection** [IS INSPECTED] by a deputy inspector employed under  
13 AS 18.60.230 [OR AN APPROVED INSPECTOR APPOINTED UNDER  
14 AS 18.60.235(a)] shall pay the department, upon completion of the inspection, the  
15 appropriate inspection **fees** [FEE] established under (a) of this section.

16 (c) The Department of Labor and Workforce Development shall give an  
17 official receipt for **fees** [AN INSPECTION FEE] collected under this section and shall  
18 transfer the amount of the **fees** [FEE] to the Department of Revenue for deposit in the  
19 state treasury.

20 \* **Sec. 9.** AS 18.60.390 is amended to read:

21 **Sec. 18.60.390. Certificate of operation [INSPECTION CERTIFICATE]**  
22 **required; penalty.** A person may not operate a boiler or unfired pressure vessel under  
23 pressure **until** [WITHOUT] a [VALID INSPECTION] certificate **of operation has**  
24 **been issued and the certificate of operation fee has been paid,** as provided for in  
25 AS 18.60.180 - 18.60.390. The operation of a boiler or unfired pressure vessel without  
26 **a valid** [AN INSPECTION] certificate **of operation,** or at a pressure exceeding that  
27 specified in the [INSPECTION] certificate **of operation,** is a misdemeanor and the  
28 owner, user, or operator is punishable by a fine of not more than \$1,000 or by  
29 imprisonment for not more than six months, or by both. Each day of unlawful  
30 operation is a separate offense.

31 \* **Sec. 10.** AS 18.60.320(b) is repealed.

1     \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section  
2 to read:

3           TRANSITION: REGULATIONS. Notwithstanding sec. 14 of this Act, the  
4 commissioner of the Department of Labor and Workforce Development may proceed to adopt  
5 regulations necessary to implement secs. 1 - 10 of this Act. The regulations take effect under  
6 AS 44.62 (Administrative Procedure Act), but not before January 1, 2001.

7     \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section  
8 to read:

9           GRACE PERIOD FOR OWNERS OR USERS OF A BOILER OR UNFIRED  
10 PRESSURE VESSEL. Notwithstanding the changes made by this Act, an owner or user of  
11 a boiler or unfired pressure vessel who paid for and was issued an inspection certificate under  
12 AS 18.60.340 before the effective date of secs. 1 - 10 of this Act may continue to operate the  
13 boiler or unfired pressure vessel until the expiration date specified on the last inspection  
14 certificate issued under AS 18.60.340 for the boiler or pressure vessel.

15     \* **Sec. 13.** Section 11 of this Act takes effect immediately under AS 01.10.070(c).

16     \* **Sec. 14.** Sections 1 - 10 and 12 of this Act take effect January 1, 2001.