

ACT No. 2000 - 315

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2 27891-4
3 By Representatives Laird, Millican and Willis
4 RFD: Boards and Commissions
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Enrolled, An Act,

To establish the Boiler and Pressure Vessel Safety Act; to create a board within the Department of Labor and to provide for membership and duties; to provide for safe construction, installation, inspection, maintenance, and repair of boilers and pressure vessels; to provide for inspectors; to provide for examination, duties, and bonding of the inspectors; to provide for fees; and to provide penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Boiler and Pressure Vessel Safety Act" and, except as otherwise provided in this act, shall apply to all boilers and pressure vessels.

Section 2. As used in this act, the following terms shall have the following meanings:

(1) BOARD. The Board of Boilers and Pressure Vessels.

(2) BOILER. A closed vessel in which water or other liquid is heated, steam or vapor is generated, or steam is superheated, or in which any combination of these functions is accomplished, under pressure or vacuum, for use externally to itself, by the direct application of energy from the combustion of fuels or from electrical, solar, or nuclear energy. The term "boiler" shall include fired units for heating or vaporizing liquids other than water where these

1 units are separate from processing systems and are complete
2 within themselves. The term "boiler" is further defined to
3 include any of the following terms:

4 a. HEATING BOILER. A steam or vapor boiler operating
5 at pressures not exceeding 15 psig or a hot water boiler
6 operating at pressures not exceeding 160 psig or temperatures
7 not exceeding 250 degrees Fahrenheit.

8 b. HIGH PRESSURE, HIGH TEMPERATURE WATER BOILER. A
9 water boiler operating at pressures exceeding 160 psig or
10 temperatures exceeding 250 degrees Fahrenheit.

11 c. POWER BOILER. A boiler in which steam or other
12 vapor is generated at a pressure of more than 15 psig.

13 (3) CERTIFICATE OF INSPECTION. An inspection, the
14 report of which is used by the chief inspector to determine
15 whether or not a certificate as provided by subsection (c) of
16 Section 15 may be issued.

17 (4) COMMISSIONER. The Commissioner of Labor.

18 (5) DEPARTMENT. The Department of Labor.

19 (6) PRESSURE VESSEL. A vessel other than those
20 vessels defined in subdivision (2) in which the pressure is
21 obtained from an external source or by the application of
22 heat.

23 Section 3. (a) There is created within the
24 Department of Labor a Board of Boilers and Pressure Vessels,
25 which shall be referred to in this act as the board. The board
26 shall consist of nine members, the majority of whom shall have

1 experience in design, construction, inspection, repair, or
2 operation of boilers or pressure vessels. Eight of these
3 members shall be appointed by the Commissioner of Labor, two
4 for a term of one year, two for a term of two years, two for a
5 term of three years, and two for a term of four years. At the
6 expiration of their respective terms of office, they or their
7 successors identifiable with the same interest respectively as
8 provided in this act shall be appointed for terms of four
9 years each. The commissioner may at any time remove any member
10 of the board for inefficiency or neglect of duty in office.
11 Upon the death or incapacity of any member, the commissioner
12 shall fill the vacancy for the remainder of the unexpired term
13 with a representative of the same interests with which his or
14 her predecessor was identified. Of these eight appointed
15 members, the majority of whom shall be registered professional
16 engineers when available, one shall be a representative of
17 owners and users of power boilers having experience with the
18 boilers; one shall be a representative of owners and users of
19 heating boilers; one shall be a representative of owners and
20 users of pressure vessels having experience with the vessels;
21 one shall be a representative of boiler or pressure vessel
22 manufacturers; one shall be a representative of the crafts
23 involved in the construction, repair, or operation of boilers
24 or pressure vessels; one shall be a representative of the
25 heating contractors; one shall be a representative of a
26 company licensed to insure and insuring in this state boilers

1 and pressure vessels; and one shall represent the public, for
2 example, a mechanical engineer on the faculty of a recognized
3 engineering college within the state or a licensed
4 professional engineer. The ninth member of the board shall be
5 the commissioner or his or her designee.

6 Section 4. (a)(1) The department, with the advice of
7 the board, shall formulate definitions, rules, and regulations
8 for the safe construction, installation, inspection,
9 maintenance, and repair of boilers and pressure vessels in
10 this state.

11 (2) The definitions, rules, and regulations
12 formulated for new construction shall be based upon and at all
13 times follow the generally accepted nation-wide engineering
14 standards, formulas, and practices established and pertaining
15 to boiler and pressure vessel construction and safety. The
16 department, with the advice of the board, may adopt an
17 existing published codification, known as the Boiler and
18 Pressure Vessel Code of the American Society of Mechanical
19 Engineers, with the amendments and interpretations made and
20 approved by the council of the society, and may adopt the
21 amendments and interpretations subsequently made and published
22 by the same authority. When adopted, the codification shall be
23 deemed to be incorporated into and shall constitute a part of
24 the definitions, rules, and regulations of the department.
25 Amendments and interpretations to the code shall be effective
26 immediately upon being promulgated, to the end that the

1 definitions, rules, and regulations shall at all times follow
 2 the generally accepted nation-wide engineering standards.

3 (3) The department, with the advice of the board,
 4 shall formulate the rules and regulations for the inspection,
 5 maintenance, and repair of boilers and pressure vessels which
 6 were in use in this state prior to the date upon which the
 7 first rules and regulations under this act pertaining to
 8 existing installations become effective or during the 12-month
 9 period immediately thereafter. The rules and regulations shall
 10 be based upon and at all times follow generally accepted
 11 nation-wide engineering standards and practices and may adopt
 12 the applicable sections of the Inspection Code of the National
 13 Board of Boiler and Pressure Vessel Inspectors or API 510 of
 14 the American Petroleum Institute.

15 (b) The rules and regulations and any subsequent
 16 amendments formulated by the department shall be adopted
 17 pursuant to the Alabama Administrative Act, except the board
 18 shall allow a hearing by interested parties prior to adoption.
 19 The rules when promulgated shall have the force and effect of
 20 law, except that the rules applying to the construction of new
 21 boilers and pressure vessels shall not become mandatory until
 22 12 months after their promulgation by the department. Notice
 23 of the hearing shall give the time, the place, and state the
 24 matters to be considered at the hearing.

25 (c) Subsequent amendments to the rules and
 26 regulations adopted by the department shall be permissive

1 immediately and shall become mandatory 12 months after their
2 promulgation.

3 Section 5. No boiler or pressure vessel which does
4 not conform to the rules and regulations of the department
5 governing new construction and installation shall be installed
6 and operated in this state after 12 months from the date upon
7 which the first rules and regulations under this act
8 pertaining to new construction and installation shall have
9 become effective, unless the boiler or pressure vessel is of
10 special design or construction and is not inconsistent with
11 the spirit and safety objectives of the rules and regulations,
12 in that event, a special installation and operating permit may
13 be granted by the department.

14 Section 6. (a) The maximum allowable working
15 pressure of a boiler carrying the ASME Code symbol or of a
16 pressure vessel carrying the ASME or API-ASME symbol shall be
17 determined by the applicable sections of the code under which
18 it was constructed and stamped. Subject to the concurrence of
19 the enforcement authority at the point of installation, the
20 boiler or pressure vessel may be rerated in accordance with
21 the rules of a later edition of the ASME Code and in
22 accordance with the rules of the National Board Inspection
23 Code or API 510, as applicable.

24 (b) The maximum allowable working pressure of a
25 boiler or pressure vessel which does not carry the ASME or the
26 API-ASME Code symbol shall be computed in accordance with the

1 Inspection Code of the National Board of Boiler and Pressure
2 Vessel Inspectors.

3 (c) This act shall not be construed to prevent the
4 use, the sale, or the reinstallation of a boiler or pressure
5 vessel referred to in this section, provided it has been made
6 to conform to the rules and regulations of the board governing
7 existing installations and has not been found upon inspection
8 to be in an unsafe condition.

9 Section 7. (a) This act shall not apply to the
10 following boilers and pressure vessels:

11 (1) Boilers and pressure vessels under federal
12 control or under regulations of Title 49 of the Code of
13 Federal Regulations, Parts 192 and 193.

14 (2) Pressure vessels used for transportation and
15 storage of compressed or liquefied gases when constructed in
16 compliance with specifications of the United States Department
17 of Transportation and when charged with gas or liquid, marked,
18 maintained, and periodically requalified for use, as required
19 by appropriate regulations of the United States Department of
20 Transportation.

21 (3) Pressure vessels located on vehicles operating
22 under the rules of other state or federal authorities and used
23 for carrying passengers or freight.

24 (4) Air tanks installed on the right of way of
25 railroads and used directly in the operation of trains.

1 (5) Pressure vessels that do not exceed any of the
2 following weights and measures:

3 a. Five cubic feet in volume and 250 psig pressure.
4 b. One and one-half cubic feet in volume and 600
5 psig pressure.

6 c. An inside diameter of six inches with no
7 limitation on pressure.

8 (6) Pressure vessels having an internal or external
9 working pressure not exceeding 15 psig with no limit on size.

10 (7) Pressure vessels with a nominal water-containing
11 capacity of 120 gallons or less for containing water under
12 pressure, including those containing air, the compression of
13 which serves only as a cushion.

14 (8) Pressure vessels containing water heated by
15 steam or any other indirect means when none of the following
16 limitations are exceeded:

17 a. A heat input of 200,000 BTU per hour.
18 b. A water temperature of 210 degrees Fahrenheit.
19 c. A nominal water-containing capacity of 120
20 gallons.

21 (9) Hot water supply boilers, equipped with
22 ASME-National Board approved safety relief valves, which are
23 directly fired with oil, gas, or electricity when none of the
24 following limitations are exceeded:

25 a. Heat input of 200,000 BTU per hour.
26 b. Water temperature of 210 degrees Fahrenheit.

1 c. Nominal water-containing capacity of 120 gallons.

2 (10) Pressure vessels in the care, custody, and
3 control of research facilities and used solely for research
4 purposes which require one or more details of noncode
5 construction or which involve destruction or reduced life
6 expectancy of those vessels.

7 (11) Pressure vessels or other structures or
8 components that are not considered to be within the scope of
9 ASME Code, Section VIII.

10 (12) Boilers and pressure vessels operated and
11 maintained for the production and generation of electricity. A
12 person, firm, partnership, or corporation operating such a
13 boiler or pressure vessel shall have insurance or shall be
14 self-insured. The boiler or pressure vessel shall be regularly
15 inspected in accordance with the minimum requirements for
16 safety as defined in the ASME Code by an inspector who has
17 been issued a certificate of competency by the commissioner in
18 accordance with Section 10.

19 (13) Boilers and pressure vessels operated and
20 maintained as a part of a manufacturing process. A person,
21 firm, partnership, or corporation operating such a boiler or
22 pressure vessel shall have insurance or shall be self-insured.

23 (14) Boiler or pressure vessels that are subject to
24 OSHA standards of compliance.

25 (15) Boilers and pressure vessels operated and
26 maintained by a public utility, including, but not limited to,

1 boilers and pressure vessels operated and maintained for the
2 production of electricity.

3 (16) Autoclaves used only for the sterilization of
4 reusable medical or dental implements in the place of business
5 of any professional licensed by the laws of this state.

6 (b) The following boilers and pressure vessels shall
7 be exempt from the requirements of subsections (b), (c), and
8 (d) of Section 14 and Sections 15 and 16:

9 (1) Boilers or pressure vessels located on farms and
10 used solely for agricultural or horticultural purposes.

11 (2) Heating boilers or pressure vessels which are
12 located in private residences or in apartment houses of less
13 than six family units.

14 (3) Any pressure vessel used as an external part of
15 an electrical circuit breaker or transformer.

16 (4) Pressure vessels on remote oil or gas-producing
17 lease locations that have fewer than 10 buildings intended for
18 human occupancy per 0.25 square mile and where the closest
19 building is at least 220 yards from any vessel.

20 (5) Pressure vessels used for storage of liquid
21 propane gas under the jurisdiction of the state fire marshal,
22 except for pressure vessels used for storage of liquefied
23 petroleum gas, 2,000 gallons or above, which have been
24 modified or altered.

25 (6) Air storage tanks not exceeding 16 cubic feet,
26 120 gallons, in size and under 250 psig pressure.

1 (7) This act exempts and shall not regulate any and
2 all pressure vessels associated in any way with oil, natural
3 gas, and related by-products, feedstock, and product
4 manufacturing operations; including exploration, production,
5 gas processing, treating refining chemical, pipeline, supply,
6 storage, and transportation. This subdivision shall not apply
7 to buildings or businesses, or both, subject to public
8 utilization.

9 Section 8. (a) The commissioner may appoint as chief
10 inspector a citizen of this state who at the time of the
11 appointment shall have not less than five years' experience in
12 the construction, installation, inspection, operation,
13 maintenance, or repair of high pressure boilers and pressure
14 vessels as a mechanical engineer, steam operating engineer,
15 boilermaker, or boiler inspector and who shall pass the same
16 type of examination prescribed under Section 11. The chief
17 inspector may be removed for cause after due investigation by
18 the board and its recommendation to the commissioner.

19 (b) The chief inspector, if authorized by the
20 commissioner, shall be charged, directed, and empowered to do
21 all of the following:

22 (1) To take action necessary for the enforcement of
23 the laws of the state governing the use of boilers and
24 pressure vessels to which this act applies and of the rules
25 and regulations of the department.

1 (2) To keep a complete record of the name of each
2 owner or user and his or her location and, except for pressure
3 vessels covered by an owner or user inspection service, the
4 type, dimensions, maximum allowable working pressure, age, and
5 the last recorded inspection of all boilers and pressure
6 vessels to which the act applies.

7 (3) To publish and make available to anyone
8 requesting them copies of the rules and regulations
9 promulgated by the department.

10 (4) To issue or to suspend or revoke for cause
11 inspection certificates as provided for in Section 15.

12 (5) To cause the prosecution of all violators of
13 this act.

14 Section 9. The commissioner may employ deputy
15 inspectors who shall be responsible to the chief inspector. A
16 deputy inspector at the time of appointment shall have three
17 years of experience in the construction, installation,
18 inspection, operation, maintenance, or repair of high pressure
19 boilers and pressure vessels as a mechanical engineer, steam
20 operating engineer, boilermaker, or boiler inspector. A deputy
21 inspector shall pass the examination provided for in Section
22 11.

23 Section 10. (a) In addition to the deputy inspectors
24 authorized by Section 9, the commissioner, upon the request of
25 any company licensed to insure and insuring in this state
26 boilers and pressure vessels or upon the request of any

1 company operating pressure vessels in this state for which the
2 owner or user maintains a regularly established inspection
3 service which is under the supervision of one or more
4 technically competent individuals whose qualifications are
5 satisfactory to the department and causes the pressure vessels
6 to be regularly inspected and rated by the inspection service
7 in accordance with applicable provisions of the rules and
8 regulations adopted by the department pursuant to Section 4,
9 shall issue to each inspector of the insurance company a
10 certificate of competency as a special inspector and to each
11 inspector of the company operating a pressure vessel a
12 certificate of competency as owner or user inspectors. Each
13 inspector before receiving his or her certificate of
14 competency shall satisfactorily pass the examination provided
15 for by Section 11 or, in lieu of the examination, shall hold a
16 commission or a certificate of competency as an inspector of
17 boilers or pressure vessels from a state that has a standard
18 of examination substantially equal to that of this state or a
19 commission as an inspector of boilers and pressure vessels
20 issued by the National Board of Boiler and Pressure Vessel
21 Inspectors. A certificate of competency as an owner or user
22 inspector shall be issued to an inspector of a company
23 operating pressure vessels in this state only if, in addition
24 to meeting the requirements stated in this section, the
25 inspector is employed full time by the company and is

1 responsible for making inspections of pressure vessels used or
2 to be used by the company and which are not for resale.

3 (b) The expenses or salary of special inspectors or
4 owner or user inspectors shall not be paid by the state. The
5 continuance of their certificates of competency shall be
6 conditioned upon the special inspectors or owner or user
7 inspectors continuing in the employ of the boiler insurance
8 company or in the employ of the company operating pressure
9 vessels in this state and upon their maintenance of the
10 standards imposed by this act.

11 (c) The special inspectors or owner or user
12 inspectors may inspect all boilers and pressure vessels
13 insured or all pressure vessels operated by their respective
14 companies. When inspected, the owners and users of the boilers
15 and pressure vessels shall be exempt from the payment to the
16 state of the inspection fees as prescribed in rules and
17 regulations promulgated by the commissioner.

18 Section 11. The examination for chief, deputy,
19 special, or owner or user inspectors shall be in writing and
20 shall be held by the board or by an examining board appointed
21 in accordance with the requirements of the National Board of
22 Boiler and Pressure Vessel Inspectors, with at least two
23 members present at all times during the examination. The
24 examination shall be confined to questions the answers to
25 which shall aid in determining the fitness and competency of
26 the applicant for the intended service and may be those

1 prepared by the National Board of Boiler and Pressure Vessel
2 Inspectors. If an applicant fails to pass the examination, the
3 applicant may appeal to the board for another examination
4 which shall be given by the board after 90 days. The record of
5 an applicant's examination shall be accessible to the
6 applicant and employer of the applicant.

7 Section 12. (a) An inspector's certificate of
8 competency may be suspended by the commissioner after
9 investigation and recommendation by the board for the
10 incompetence or untrustworthiness of the holder of the
11 certificate, for willful falsification of any matter or
12 statement contained in the application of the inspector, or in
13 a report of any inspection he or she made. Written notice of
14 any suspension shall be given by the commissioner within 10
15 days of the suspension to the inspector and the employer of
16 the inspector. A person whose certificate of competency has
17 been suspended shall be entitled to an appeal to the board
18 pursuant to Section 19 and shall be present in person and may
19 be represented by counsel at the hearing of the appeal.

20 (b) If the board believes that an inspector is no
21 longer qualified to hold his or her certificate of competency,
22 the board, upon 10 days' written notice to the inspector and
23 the employer of the inspector, shall hold a hearing at which
24 the inspector and his or her employer shall have an
25 opportunity to be heard. If, as a result of the hearing, the
26 board shall find that the inspector is no longer qualified to

1 hold his or her certificate of competency, the board shall
2 recommend to the commissioner that the certificate of
3 competency be revoked and the commissioner shall immediately
4 revoke the certificate of competency.

5 (c) A person whose certificate of competency has
6 been suspended shall be entitled to apply, after 90 days from
7 the date of the suspension, for reinstatement of the
8 certificate of competency.

9 Section 13. If a certificate of competency is lost
10 or destroyed, a new certificate of competency shall be issued
11 without further examination.

12 Section 14. (a) The commissioner, the chief
13 inspector, or any deputy inspector shall have free access,
14 during reasonable hours, to any premises in the state where a
15 boiler or pressure vessel is being constructed for use in, or
16 is being installed in, this state for the purpose of
17 ascertaining whether the boiler or pressure vessel is being
18 constructed and installed in accordance with the provisions of
19 this act.

20 (b) (1) On and after January 1, 2002, each boiler and
21 pressure vessel used or proposed to be used within this state,
22 except for pressure vessels covered by an owner or user
23 inspection service as described in subsection (d) of this
24 section or except for boilers or pressure vessels exempt under
25 Section 7, owners and users may request to waive this

1 exemption, shall be thoroughly inspected as to their
2 construction, installation, and condition as follows:

3 a. Power boilers and high pressure, high temperature
4 water boilers shall receive a certificate inspection annually
5 which shall be an internal inspection where construction
6 permits; otherwise it shall be as complete an inspection as
7 possible. The boilers shall also be externally inspected while
8 under pressure, if possible.

9 b. Low pressure steam or vapor heating boilers shall
10 receive a certificate inspection biennially with an internal
11 inspection every four years where construction permits.

12 c. Hot water heating and hot water supply boilers
13 shall receive a certificate inspection biennially with an
14 internal inspection at the discretion of the inspector.

15 d. Pressure vessels subject to internal corrosion
16 shall receive a certificate inspection every three years with
17 an internal inspection at the discretion of the inspector.
18 Pressure vessels not subject to internal corrosion shall
19 receive a certificate of inspection at intervals set by the
20 board.

21 e. Nuclear vessels within the scope of this act
22 shall be inspected and reported in the form and with the
23 appropriate information as designated by the board.

24 (2) A grace period of two months beyond the periods
25 specified in paragraphs a. and b. may elapse between
26 certificate inspections.

1 (3) The department may provide for longer periods
2 between certificate inspection in its rules and regulations.

3 (4) Pursuant to this act, the department shall be
4 responsible for providing for the safety of life, limb, and
5 property and shall have jurisdiction over the interpretation
6 and application of the inspection requirements as provided for
7 in the rules and regulations which it has promulgated. The
8 person conducting the inspection during construction and
9 installation shall certify as to the minimum requirements for
10 safety as defined in the ASME Code. Inspection requirements of
11 operating equipment shall be in accordance with generally
12 accepted practice and compatible with the actual service
13 conditions, which shall include all of the following:

14 (1) Previous experience, based on records of
15 inspection, performance, and maintenance.

16 (2) Location, with respect to personnel hazard.

17 (3) Quality of inspection and operating personnel.

18 (4) Provision for related safe operation controls.

19 (5) Interrelation with other operations outside the
20 scope of this act.

21 The board may permit variations in the inspection
22 requirements based upon documentation of the actual service
23 conditions by the owner or user of the operating equipment.

24 (c) The inspections required in this act shall be
25 made by the chief inspector, by a deputy inspector, by a

1 special inspector, or by an owner or user inspector provided
2 for in this act.

3 (d) Owner or user inspection of pressure vessels
4 shall be permitted. The owner or user inspection service shall
5 be regularly established, and shall be under the supervision
6 of one or more individuals whose qualifications are
7 satisfactory to the board. The owner or user shall cause the
8 pressure vessels to be inspected in conformance with the
9 National Board Inspection Code or API 510, as applicable.

10 (e) If the inspector deems a hydrostatic test shall
11 be necessary, it shall be made by the owner or user of the
12 boiler or pressure vessel.

13 (f) All boilers, other than cast iron sectional
14 boilers, and pressure vessels to be installed in this state
15 after the 12-month period from the date upon which the rules
16 and regulations of the board shall become effective shall be
17 inspected during construction as required by the applicable
18 rules and regulations of the board by an inspector authorized
19 to inspect boilers and pressure vessels in this state or, if
20 constructed outside of the state, by an inspector holding a
21 commission issued by the National Board of Boiler and Pressure
22 Vessel Inspectors.

23 Section 15. (a) Each company employing special
24 inspectors, within 30 days following each certificate
25 inspection made by the inspectors, shall file a report of the
26 inspection with the chief inspector upon appropriate forms as

1 promulgated by the commissioner. The filing of reports of
2 external inspections, other than certificate inspections,
3 shall not be required except when the inspections disclose
4 that the boiler or pressure vessel is in a dangerous
5 condition.

6 (b) Each company operating pressure vessels covered
7 by an owner or user inspection service meeting the
8 requirements of subsection (a) of Section 10 shall maintain in
9 its files an inspection record which shall list, by number and
10 any abbreviated description necessary for identification, each
11 pressure vessel covered by this act, the date of the last
12 inspection of each pressure vessel, and the approximate date
13 for the next inspection. The inspection record shall be
14 available for examination by the chief inspector or his or her
15 authorized representative during business hours.

16 (c) If the report filed pursuant to subsection (a)
17 shows that a boiler or pressure vessel is found to comply with
18 the rules and regulations of the department, the chief
19 inspector, or his or her duly authorized representative, shall
20 issue to the owner or user an inspection certificate bearing
21 the date of inspection and specifying the maximum pressure
22 under which the boiler or pressure vessel may be operated. The
23 inspection certificate shall be valid for not more than 14
24 months from its date in the case of power boilers, 26 months
25 in the case of heating and hot water supply boilers, and 38
26 months in the case of pressure vessels. In the case of those

1 boilers and pressure vessels covered by paragraphs a. to d.,
2 inclusive, of subsection (b) of Section 14, for which the
3 board has established or extended the operating period between
4 required inspections pursuant to the provisions of paragraphs
5 c. and d. of subsection (b) of Section 14, the certificate
6 shall be valid for a period of not more than two months beyond
7 the period set by the board. Certificates for boilers shall be
8 posted under glass, or similarly protected, in the room
9 containing the boiler. Pressure vessel certificates shall be
10 posted in like manner, if convenient, or filed where they will
11 be readily accessible for examination.

12 (d) No inspection certificate issued for an insured
13 boiler or pressure vessel based upon a report of a special
14 inspector shall be valid after the boiler or pressure vessel
15 for which it was issued shall cease to be insured by a company
16 duly authorized by this state to provide the insurance.

17 (e) The commissioner or his or her authorized
18 representative may at any time suspend an inspection
19 certificate after showing cause that the boiler or pressure
20 vessel for which it was issued cannot be operated without
21 menace to the public safety or when the boiler or pressure
22 vessel is found not to comply with the rules and regulations
23 adopted pursuant to this act. Each suspension of an inspection
24 certificate shall continue in effect until the boiler or
25 pressure vessel shall conform to the rules and regulations of

1 the department and until the reinstatement of the inspection
2 certificate.

3 (f) The commissioner or his or her authorized
4 representative may issue a written order for the temporary
5 cessation of operation of a boiler or pressure vessel if it
6 has been determined after inspection to be hazardous or
7 unsafe. Operations shall not resume until the conditions are
8 corrected to the satisfaction of the commissioner or his or
9 her authorized representative.

10 Section 16. (a) Boilers and pressure vessels subject
11 to operating certificate inspections by special inspectors, or
12 owner or user inspectors shall be inspected within 60 calendar
13 days following the required reinspection date. Inspections not
14 performed within this 60 calendar day period shall result in a
15 fine of five hundred dollars (\$500) for each boiler or
16 pressure vessel not inspected.

17 (b) (1) Inspection fees due on boiler and pressure
18 vessels subject to inspection by the chief or deputy
19 inspectors or operating certificate fees due from inspections
20 performed by special inspectors or owner or user inspectors
21 shall be paid within 60 calendar days of completion of the
22 inspections.

23 (2) Inspection fees or operating certificate fees
24 unpaid within 60 calendar days shall bear interest at the rate
25 of 1.5 percent per month or any fraction of a month. Interest

1 shall continue to accrue until all amounts due, including
2 interest, are received by the commissioner.

3 (c) The commissioner may waive the collection of the
4 penalties and interest assessed as provided in subsections (a)
5 and (b) when it is reasonably determined that the delays in
6 inspection or payment were unavoidable or due to the action or
7 inaction of the department.

8 Section 17. After 12 months for power boilers, 24
9 months for low pressure steam heating, hot water heating, and
10 hot water supply boilers, and 36 months for pressure vessels
11 following July 1, 2001, it shall be unlawful for any person,
12 firm, partnership, or corporation to operate in this state a
13 boiler or pressure vessel, except a pressure vessel covered by
14 owner or user inspection service as provided for in Section
15 15, without a valid inspection certificate. The operation of a
16 boiler or pressure vessel without the inspection certificate
17 or at a pressure exceeding that specified in the inspection
18 certificate or in violation this act shall constitute a
19 misdemeanor.

20 Section 18. The owner or user of a boiler or
21 pressure vessel required by this act to be inspected by the
22 chief inspector or his or her deputy inspector shall pay
23 directly to the chief inspector, upon completion of
24 inspection, fees as prescribed in rules and regulations
25 promulgated by the commissioner. Pressure vessel certificates
26 of inspection fees shall not exceed ten dollars (\$10)

1 annually. The chief inspector shall transfer all fees received
2 to the General Fund of the State Treasury. All funds, pursuant
3 to this act, deposited in the State Treasury shall be
4 appropriated by the Legislature to the Commissioner of Labor
5 pursuant to the Budget Management Act and Article 4 of Chapter
6 4 of Title 41 of the Code of Alabama 1975.

7 Section 19. The chief inspector shall furnish a bond
8 in the sum of five thousand dollars (\$5,000) and each of the
9 deputy inspectors employed and paid by the state shall furnish
10 a bond in the sum of two thousand dollars (\$2,000) conditioned
11 upon the faithful performance of their duties and upon a true
12 account of moneys handled by them, respectively, and the
13 payment thereof to the proper recipient.

14 Section 20. (a) Any person aggrieved by an order or
15 an act of the commissioner or the chief inspector under this
16 act may, within 15 days of notice thereof, appeal from the
17 order or act to the board which, within 30 days thereafter,
18 shall issue an appropriate order either approving or
19 disapproving the order or act. A copy of the order by the
20 board shall be given to all interested parties.

21 (b) After any order or act of the board, any person
22 aggrieved thereby may file a petition in the Circuit Court of
23 Montgomery County for review pursuant to the Alabama
24 Administrative Procedure Act.

25 Section 21. No county, municipality, or other
26 political subdivision shall have the power to make any laws,

1 ordinances, or resolutions providing for the construction,
2 installation, inspection, maintenance, and repair of boilers
3 and pressure vessels within the limits of the county,
4 municipality, or other political subdivision.

5 Section 22. The Board of Boilers and Pressure
6 Vessels shall be subject to the Alabama Sunset Law, Title 41,
7 Chapter 20, Code of Alabama 1975, as an enumerated agency as
8 provided in Section 41-20-3 of the Code of Alabama 1975, and
9 shall have a termination date of October 1, 2004, and every
10 four years thereafter, unless continued pursuant to the
11 Alabama Sunset Law.

12 Section 23. The provisions of this act are
13 severable. If any part of this act is declared invalid or
14 unconstitutional, that declaration shall not affect the part
15 which remains.

16 Section 24. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 06-APR-2000, as amended.

Greg Pappas
Clerk

Senate

20-APR-2000

Passed

APPROVED 4/27/00
TIME 4:00 pm

GOVERNOR

Alabama Secretary Of State

Act Num....: 2000-315
Bill Num....: H-442