

2 **SB 5040** - H COMM AMD **ADOPTED 04/12/99**  
3 By Committee on Commerce & Labor

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 70.79.010 and 1951 c 32 s 1 are each amended to read  
8 as follows:

9 There is hereby created within this state a board of boiler rules,  
10 which shall hereafter be referred to as the board, consisting of five  
11 members who shall be appointed to the board by the governor, one for a  
12 term of one year, one for a term of two years, one for a term of three  
13 years, and two for a term of four years. At the expiration of their  
14 respective terms of office, they, or their successors identifiable with  
15 the same interests respectively as hereinafter provided, shall be  
16 appointed for terms of four years each. The governor may at any time  
17 remove any member of the board for inefficiency or neglect of duty in  
18 office. Upon the death or incapacity of any member the governor shall  
19 fill the vacancy for the remainder of the vacated term with a  
20 representative of the same interests with which his or her predecessor  
21 was identified. Of these five appointed members, one shall be  
22 representative of owners and users of boilers and unfired pressure  
23 vessels within the state, one shall be representative of the boiler or  
24 unfired pressure vessel manufacturers within the state, one shall be a  
25 representative of a boiler insurance company licensed to do business  
26 within the state, one shall be a mechanical engineer on the faculty of  
27 a recognized engineering college or a graduate mechanical engineer  
28 having equivalent experience, and one shall be representative of the  
29 boilermakers (~~(or practical steam)~~), stationary operating engineers, or  
30 pressure vessel operators. The board shall elect one of its members to  
31 serve as (~~(chairman)~~) chair and, at the call of the (~~(chairman)~~) chair,  
32 the board shall meet at least four times each year at the state capitol  
33 or other place designated by the board.

34 **Sec. 2.** RCW 70.79.030 and 1972 ex.s. c 86 s 1 are each amended to  
35 read as follows:

1 The board shall formulate definitions(~~(,)~~) and rules(~~(, and~~  
2 ~~regulations)~~) for the safe and proper construction, installation,  
3 repair, use, and operation of boilers and for the safe and proper  
4 construction, installation, and repair of unfired pressure vessels in  
5 this state. The definitions(~~(,)~~) and rules(~~(, and regulations)~~) so  
6 formulated shall be based upon, and, at all times, follow the  
7 (~~generally~~) nationally or internationally accepted (~~nationwide~~)  
8 engineering standards, formulae, and practices established and  
9 pertaining to boiler and unfired pressure vessel construction and  
10 safety, and the board may by resolution adopt (~~an~~) existing published  
11 codifications thereof, (~~known as "The Boiler Construction Code of the~~  
12 ~~American Society of Mechanical Engineers", with the amendments and~~  
13 ~~interpretations thereto made and approved by the council of the~~  
14 ~~society, and may likewise adopt the amendments and interpretations~~  
15 ~~subsequently made and published by the same authority;~~) and when so  
16 adopted the same shall be deemed incorporated into, and to constitute  
17 a part or the whole of the definitions(~~(,)~~) and rules(~~(, and~~  
18 ~~regulations)~~) of the board. Amendments and interpretations to the code  
19 (~~so adopted~~) shall be (~~adopted~~) enforceable immediately upon being  
20 (~~promulgated~~) adopted, to the end that the definitions(~~(,)~~) and  
21 rules(~~(, and regulations)~~) shall at all times follow (~~the generally~~)  
22 nationally or internationally accepted (~~nationwide~~) engineering  
23 standards(~~(:—PROVIDED,)~~). However, (~~That~~) all rules (~~and~~  
24 ~~regulations promulgated~~) adopted by the board(~~(, including any or all~~  
25 ~~of the boiler construction code of the American society of mechanical~~  
26 ~~engineers with amendments and interpretations thereof,)~~) shall be  
27 adopted in compliance with the Administrative Procedure Act, chapter  
28 34.05 RCW, as now or hereafter amended. (~~All boilers and unfired~~  
29 ~~pressure vessels subject to the jurisdiction of the board, which have~~  
30 ~~been constructed or installed in accordance with the code of the~~  
31 ~~American society of mechanical engineers shall be prima facie evidence~~  
32 ~~of compliance with those provisions of this chapter and the rules of~~  
33 ~~the board.~~)

34 **Sec. 3.** RCW 70.79.080 and 1996 c 72 s 1 are each amended to read  
35 as follows:

36 This chapter shall not apply to the following boilers, unfired  
37 pressure vessels and domestic hot water tanks:

- 1 (1) Boilers and unfired pressure vessels under federal regulation  
2 or operated by any railroad subject to the provisions of the interstate  
3 commerce act;
- 4 (2) Unfired pressure vessels meeting the requirements of the  
5 interstate commerce commission for shipment of liquids or gases under  
6 pressure;
- 7 (3) Air tanks located on vehicles operating under the rules of  
8 other state authorities and used for carrying passengers, or freight;
- 9 (4) Air tanks installed on the right of way of railroads and used  
10 directly in the operation of trains;
- 11 (5) Unfired pressure vessels having a volume of five cubic feet or  
12 less when not located in places of public assembly;
- 13 (6) Unfired pressure vessels designed for a pressure not exceeding  
14 fifteen pounds per square inch gauge when not located in place of  
15 public assembly;
- 16 (7) Tanks used in connection with heating water for domestic and/or  
17 residential purposes;
- 18 (8) Boilers and unfired pressure vessels in cities having  
19 ordinances which are enforced and which have requirements equal to or  
20 higher than those provided for under this chapter, covering the  
21 installation, operation, maintenance and inspection of boilers and  
22 unfired pressure vessels;
- 23 (9) Tanks containing water with no air cushion and no direct source  
24 of energy that operate at ((ambient)) a temperature of one hundred  
25 thirty degrees Fahrenheit or less;
- 26 (10) Electric boilers:
- 27 (a) Having a tank volume of not more than one and one-half cubic  
28 feet;
- 29 (b) Having a maximum allowable working pressure of eighty pounds  
30 per square inch or less, with a pressure relief system to prevent  
31 excess pressure; and
- 32 (c) If constructed after June 10, 1994, constructed to American  
33 society of mechanical engineers code, or approved or otherwise  
34 certified by a nationally recognized or recognized foreign testing  
35 laboratory or construction code, including but not limited to  
36 Underwriters Laboratories, Edison Testing Laboratory, or Instituto  
37 Superiore Per La Prevenzione E La Sicurezza Del Lavoro;

1 (11) Electrical switchgear and control apparatus that have no  
2 external source of energy to maintain pressure and are located in  
3 restricted access areas under the control of an electric utility;

4 (12) Regardless of location, unfired pressure vessels and hot water  
5 heaters less than one and one-half cubic feet (11.25 gallons) in volume  
6 with a safety valve setting of one hundred fifty pounds per square inch  
7 gauge (psig) or less, or less than six inches in diameter and less than  
8 five cubic feet (37.5 gallons) in volume with a safety valve set at any  
9 pressure, or less than fifteen psig containing substances other than  
10 steam, lethal substances, or liquids with low flash points.

11 **Sec. 4.** RCW 70.79.090 and 1988 c 254 s 20 are each amended to read  
12 as follows:

13 The following boilers and unfired pressure vessels shall be exempt  
14 from the requirements of RCW 70.79.220 and 70.79.240 through 70.79.330:

15 (1) Boilers or unfired pressure vessels located on farms and used  
16 solely for agricultural purposes;

17 (2) Unfired pressure vessels that are part of fertilizer applicator  
18 rigs designed and used exclusively for fertilization in the conduct of  
19 agricultural operations;

20 (3) Steam boilers used exclusively for heating purposes carrying a  
21 pressure of not more than fifteen pounds per square inch gauge and  
22 which are located in private residences or in apartment houses of less  
23 than six families;

24 (4) Hot water heating boilers carrying a pressure of not more than  
25 thirty pounds per square inch and which are located in private  
26 residences or in apartment houses of less than six families;

27 (5) Approved pressure vessels (hot water heaters listed by a  
28 nationally recognized testing agency), with approved safety devices  
29 including a pressure relief valve, with a nominal water containing  
30 capacity of one hundred twenty gallons or less having a heat input of  
31 two hundred thousand b.t.u.'s per hour or less, used for hot water  
32 supply at pressure of one hundred sixty pounds per square inch or less,  
33 and at temperatures of two hundred ten degrees Fahrenheit or less:  
34 PROVIDED, HOWEVER, That such pressure vessels are not installed in  
35 schools, child care centers, public and private hospitals, nursing and  
36 boarding homes, churches, public buildings owned or leased and  
37 maintained by the state or any political subdivision thereof, and  
38 assembly halls;

1 (6) Unfired pressure vessels containing only water under pressure  
2 for domestic supply purposes, including those containing air, the  
3 compression of which serves only as a cushion or airlift pumping  
4 systems, when located in private residences or in apartment houses of  
5 less than six families;

6 (7) Unfired pressure vessels containing liquified petroleum gases.

7 **Sec. 5.** RCW 70.79.130 and 1951 c 32 s 13 are each amended to read  
8 as follows:

9 In addition to the deputy boiler inspectors authorized by RCW  
10 70.79.120, the chief inspector shall, upon the request of any company  
11 authorized to insure against loss from explosion of boilers and unfired  
12 pressure vessels in this state, or upon the request of any company  
13 operating boilers or unfired pressure vessels in this state, issue to  
14 any inspectors of said company commissions as special inspectors,  
15 provided that each such inspector before receiving his or her  
16 commission shall satisfactorily pass the examination provided for in  
17 RCW 70.79.170, or, in lieu of such examination, shall hold a  
18 certificate of competency as an inspector of boilers and unfired  
19 pressure vessels for a state that has a standard of examination  
20 substantially equal to that of this state or a certificate as an  
21 inspector of boilers and unfired pressure vessels from the national  
22 board of boiler and pressure vessel inspectors. A commission as a  
23 special inspector for a company operating boilers or unfired pressure  
24 vessels in this state shall be issued only if, in addition to meeting  
25 the requirements stated herein, the inspector is continuously employed  
26 by the company for the purpose of making inspections of boilers or  
27 unfired pressure vessels used, or to be used, by such company.

28 **Sec. 6.** RCW 70.79.140 and 1951 c 32 s 14 are each amended to read  
29 as follows:

30 Special inspectors shall receive no salary from, nor shall any of  
31 their expenses be paid by the state, and the continuance of a special  
32 inspector's commission shall be conditioned upon his or her continuing  
33 in the employ of a boiler insurance company duly authorized as  
34 aforesaid or upon continuing in the employ of a company operating  
35 boilers or unfired pressure vessels in this state and upon his or her  
36 maintenance of the standards imposed by this chapter.

1       **Sec. 7.** RCW 70.79.150 and 1951 c 32 s 15 are each amended to read  
2 as follows:

3       Special inspectors shall inspect all boilers and unfired pressure  
4 vessels insured or (~~(all unfired pressure vessels)~~) operated by their  
5 respective companies and, when so inspected, the owners and users of  
6 such insured boilers and unfired pressure vessels shall be exempt from  
7 the payment to the state of the inspection fees as provided for in RCW  
8 70.79.330.

9       **Sec. 8.** RCW 70.79.160 and 1951 c 32 s 16 are each amended to read  
10 as follows:

11       Each company employing special inspectors shall, within thirty days  
12 following each internal boiler or unfired pressure vessel inspection  
13 made by such inspectors, file a report of such inspection with the  
14 chief inspector upon appropriate forms (~~(as promulgated by the American~~  
15 ~~society of mechanical engineers)~~). Reports of external inspections  
16 shall not be required except when such inspections disclose that the  
17 boiler or unfired pressure vessel is in dangerous condition.

18       **Sec. 9.** RCW 70.79.280 and 1951 c 32 s 27 are each amended to read  
19 as follows:

20       All boilers and all unfired pressure vessels to be installed in  
21 this state after the (~~(twelve months)~~) twelve-month period from the  
22 date upon which the rules (~~(and regulations)~~) of the board shall become  
23 effective shall be inspected during construction as required by the  
24 applicable rules (~~(and regulations)~~) of the board by an inspector  
25 authorized to inspect boilers and unfired pressure vessels in this  
26 state, or, if constructed outside of the state, by an inspector holding  
27 a certificate from the national board of boiler and pressure vessel  
28 inspectors, or a certificate of competency as an inspector of boilers  
29 and unfired pressure vessels for a state that has a standard of  
30 examination substantially equal to that of this state as provided in  
31 RCW 70.79.170.

32       **Sec. 10.** RCW 70.79.310 and 1951 c 32 s 30 are each amended to read  
33 as follows:

34       The chief inspector, or his or her authorized representative, may  
35 at any time suspend an inspection certificate when, in his or her  
36 opinion, the boiler or unfired pressure vessel for which it was

1 issued(~~(7)~~) cannot be operated without menace to the public safety, or  
2 when the boiler or unfired pressure vessel is found not to comply with  
3 the rules (~~(and regulations)~~) herein provided. A special inspector  
4 shall have corresponding powers with respect to inspection certificates  
5 for boilers or unfired pressure vessels insured or (~~(unfired pressure~~  
6 ~~vessels)~~) operated by the company employing him or her. Such  
7 suspension of an inspection certificate shall continue in effect until  
8 such boiler or unfired pressure vessel shall have been made to conform  
9 to the rules (~~(and regulations)~~) of the board, and until said  
10 inspection certificate shall have been reinstated."

11 Correct the title.

EFFECT: Companies that have a boiler, but not an unfired pressure vessel may be authorized by the department to inspect their boiler, rather than just companies that have both devices.

--- END ---