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SENATE BILL 5238

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Kohl-Welles, Parlette, Fraser and Honeyford; by request of Department of Labor & Industries

Read first time 01/18/2005. Referred to Committee on Labor, Commerce, Research & Development.

1            AN ACT Relating to the boilers and unfired pressure vessels law;  
2 amending RCW 70.79.080, 70.79.090, 70.79.160, 70.79.190, 70.79.320, and  
3 70.79.170; adding a new section to chapter 70.79 RCW; and repealing RCW  
4 70.79.360.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 70.79.080 and 1999 c 183 s 3 are each amended to read  
7 as follows:

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

10            (1) Boilers and unfired pressure vessels under federal regulation  
11 or operated by any railroad subject to the provisions of the interstate  
12 commerce act;

13            (2) Unfired pressure vessels meeting the requirements of the  
14 interstate commerce commission for shipment of liquids or gases under  
15 pressure;

16            (3) Air tanks located on vehicles operating under the rules of  
17 other state authorities and used for carrying passengers, or freight;

18            (4) Air tanks installed on the right of way of railroads and used  
19 directly in the operation of trains;

- 1 (5) Unfired pressure vessels having a volume of five cubic feet or  
2 less when not located in places of public assembly;
- 3 (6) Unfired pressure vessels designed for a pressure not exceeding  
4 fifteen pounds per square inch gauge (~~when not located in place of~~  
5 ~~public assembly~~));
- 6 (7) Tanks used in connection with heating water for domestic and/or  
7 residential purposes;
- 8 (8) Boilers and unfired pressure vessels in cities having  
9 ordinances which are enforced and which have requirements equal to or  
10 higher than those provided for under this chapter, covering the  
11 installation, operation, maintenance and inspection of boilers and  
12 unfired pressure vessels;
- 13 (9) Tanks containing water with no air cushion and no direct source  
14 of energy that operate at a temperature of one hundred thirty degrees  
15 Fahrenheit or less;
- 16 (10) Electric boilers:
- 17 (a) Having a tank volume of not more than one and one-half cubic  
18 feet;
- 19 (b) Having a maximum allowable working pressure of (~~eighty~~) one  
20 hundred pounds per square inch or less, with a pressure relief system  
21 to prevent excess pressure; and
- 22 (c) If constructed after June 10, 1994, constructed to American  
23 society of mechanical engineers code, or approved or otherwise  
24 certified by a nationally recognized or recognized foreign testing  
25 laboratory or construction code, including but not limited to  
26 Underwriters Laboratories, Edison Testing Laboratory, or Instituto  
27 Superiore Per La Prevenzione E La Sicurezza Del Lavoro;
- 28 (11) Electrical switchgear and control apparatus that have no  
29 external source of energy to maintain pressure and are located in  
30 restricted access areas under the control of an electric utility;
- 31 (12) Regardless of location, unfired pressure vessels and hot water  
32 heaters less than one and one-half cubic feet (11.25 gallons) in volume  
33 with a safety valve setting of one hundred fifty pounds per square inch  
34 gauge (psig) or less, or less than six inches in diameter and less than  
35 five cubic feet (37.5 gallons) in volume with a safety valve set at any  
36 pressure, or less than fifteen psig containing substances other than  
37 steam, lethal substances, or liquids with low flash points.

1       **Sec. 2.** RCW 70.79.090 and 1999 c 183 s 4 are each amended to read  
2 as follows:

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

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

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

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

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

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

30       (6) Unfired pressure vessels containing only water under pressure  
31 for domestic supply purposes, including those containing air, the  
32 compression of which serves only as a cushion or airlift pumping  
33 systems, when located in private residences or in apartment houses of  
34 less than six families, or in public water systems as defined in RCW  
35 70.119.020;

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

1       **Sec. 3.** RCW 70.79.160 and 1999 c 183 s 8 are each amended to read  
2 as follows:

3       Each company employing special inspectors shall, within thirty days  
4 following each internal or external boiler or unfired pressure vessel  
5 inspection made by such inspectors, file a report of such inspection  
6 with the chief inspector upon appropriate forms. (~~Reports of external~~  
7 ~~inspections shall not be required except when such inspections disclose~~  
8 ~~that the boiler or unfired pressure vessel is in dangerous condition.~~)

9       NEW SECTION. **Sec. 4.** A new section is added to chapter 70.79 RCW  
10 to read as follows:

11       (1) No person, firm, partnership, corporation, or other entity may  
12 install or maintain any standards that violate this chapter. In cases  
13 where the interpretation and application of the installation or  
14 maintenance standards prescribed in this chapter is in dispute, the  
15 board shall determine the methods of installation or maintenance to be  
16 used in the particular case submitted for its decision. To appeal the  
17 board's decision, a person, firm, partnership, corporation, or other  
18 entity shall, in writing, notify the chief boiler inspector. The  
19 notice shall specify the ruling or interpretation desired and the  
20 contention of the person, firm, partnership, corporation, or other  
21 entity as to the proper interpretation or application on the question  
22 on which a decision is desired.

23       (2) Any person, firm, partnership, corporation, or other entity  
24 wishing to appeal a penalty issued under this chapter may appeal to the  
25 board. The appeal shall be filed within twenty days after service of  
26 the notice of the penalty to the assessed party by filing a written  
27 notice of appeal with the chief boiler inspector. The hearing and  
28 review procedures shall be conducted by the board in accordance with  
29 chapter 34.05 RCW.

30       **Sec. 5.** RCW 70.79.190 and 1951 c 32 s 20 are each amended to read  
31 as follows:

32       A person whose commission has been suspended or revoked shall be  
33 entitled to an appeal as provided in (~~RCW 70.79.360~~) section 4 of  
34 this act and to be present in person and/or represented by counsel on  
35 the hearing of the appeal.

1       **Sec. 6.** RCW 70.79.320 and 1986 c 97 s 2 are each amended to read  
2 as follows:

3       (1) It shall be unlawful for any person, firm, partnership, or  
4 corporation to operate under pressure in this state a boiler or unfired  
5 pressure vessel, to which this chapter applies, without a valid  
6 inspection certificate as provided for in this chapter.

7       (2) The department may assess a penalty against a person violating  
8 a provision of this chapter. The penalty shall be not more than five  
9 hundred dollars. Each day that the violation continues is a separate  
10 violation and is subject to a separate penalty.

11       (3) The department may not assess a penalty until it adopts rules  
12 describing the method it will use to calculate penalties for various  
13 violations.

14       (4) The department shall notify the violator of its action, and the  
15 reasons for its action, in writing. The department shall send the  
16 notice by certified mail to the violator that a hearing may be  
17 requested under (~~RCW 70.79.360~~) section 4 of this act. The hearing  
18 shall not stay the effect of the penalty.

19       **Sec. 7.** RCW 70.79.170 and 1951 c 32 s 18 are each amended to read  
20 as follows:

21       Examinations for (~~chief~~) deputy(~~)~~ or special inspectors shall  
22 be in writing and shall be held by the chief and a member of the board,  
23 or by at least two (~~members of the board~~) national board commissioned  
24 inspectors. Such examinations shall be confined to questions the  
25 answers to which will aid in determining the fitness and competency of  
26 the applicant for the intended service. In case an applicant for an  
27 inspector's appointment or commission fails to pass the examination, he  
28 may appeal to the board for another examination which shall be given by  
29 the (~~board~~) chief within ninety days. The record of an applicant's  
30 examination shall be accessible to said applicant and his employer.

31       NEW SECTION. **Sec. 8.** RCW 70.79.360 (Appeal from orders or acts)  
32 and 1951 c 32 s 36 are each repealed.

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