

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1366**

61st Legislature  
2009 Regular Session

Passed by the House February 23, 2009  
Yeas 96 Nays 0

---

**Speaker of the House of Representatives**

Passed by the Senate April 3, 2009  
Yeas 46 Nays 0

---

**President of the Senate**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1366** as passed by the House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

HOUSE BILL 1366

---

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives Wood, Conway, Condotta, Chandler, and Ormsby; by request of Department of Labor & Industries

Read first time 01/20/09. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to making technical changes to boiler and unfired  
2 pressure vessel statutes; amending RCW 70.79.060, 70.79.070, 70.79.080,  
3 70.79.090, and 70.79.240; and repealing RCW 70.79.210.

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

5 **Sec. 1.** RCW 70.79.060 and 1984 c 93 s 1 are each amended to read  
6 as follows:

7 (1) Except as provided in subsection (2) of this section, no power  
8 boiler, low pressure boiler, or unfired pressure vessel which does not  
9 conform to the rules and regulations formulated by the board governing  
10 new construction and installation shall be installed and operated in  
11 this state after twelve months from the date upon which the first rules  
12 and regulations under this chapter pertaining to new construction and  
13 installation shall have become effective, unless the boiler or unfired  
14 pressure vessel is of special design or construction, and is not  
15 covered by the rules and regulations, nor is in any way inconsistent  
16 with such rules and regulations, in which case (~~a special installation  
17 and operating permit~~) an inspection certificate may at its discretion  
18 be granted by the board.

1           (2) (~~(A special permit)~~) An inspection certificate may also be  
2 granted for boilers and pressure vessels manufactured before 1951 which  
3 do not comply with the code requirements of the American Society of  
4 Mechanical Engineers adopted under this chapter, if the boiler or  
5 pressure vessel is operated exclusively for the purposes of public  
6 exhibition, and the board finds, upon inspection, that operation of the  
7 boiler or pressure vessel for such purposes is not unsafe.

8           **Sec. 2.** RCW 70.79.070 and 1995 c 41 s 1 are each amended to read  
9 as follows:

10           (1) All boilers and unfired pressure vessels which were in use, or  
11 installed ready for use in this state prior to the date upon which the  
12 first rules and regulations under this chapter pertaining to existing  
13 installations became effective, or during the twelve months period  
14 immediately thereafter, shall be made to conform to the rules and  
15 regulations of the board governing existing installations, and the  
16 formulae prescribed therein shall be used in determining the maximum  
17 allowable working pressure for such boilers and unfired pressure  
18 vessels.

19           (2) This chapter shall not be construed as in any way preventing  
20 the use or sale of boilers or unfired vessels as referred to in  
21 subsection (1) of this section, provided they have been made to conform  
22 to the rules and regulations of the board governing existing  
23 installations, and provided, further, they have not been found upon  
24 inspection to be in an unsafe condition.

25           (3) (~~(A special permit)~~) An inspection certificate may also be  
26 granted for miniature hobby boilers that do not comply with the code  
27 requirements of the American society of mechanical engineers adopted  
28 under this chapter and do not exceed any of the following limits:

- 29           (a) Sixteen inches inside diameter of the shell;
- 30           (b) Twenty square feet of total heating surface;
- 31           (c) Five cubic feet of gross volume of vessel; and
- 32           (d) One hundred fifty p.s.i.g. maximum allowable working pressure,  
33 and if the boiler is to be operated exclusively not for commercial or  
34 industrial use and the department of labor and industries finds, upon  
35 inspection, that operation of the boiler for such purposes is not  
36 unsafe.

1       **Sec. 3.** RCW 70.79.080 and 2005 c 22 s 1 are each amended to read  
2 as follows:

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

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

8       (2) Unfired pressure vessels meeting the requirements of the  
9 interstate commerce commission for shipment of liquids or gases under  
10 pressure;

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

13       (4) Air tanks installed on the right-of-way of railroads and used  
14 directly in the operation of trains;

15       (5) Unfired pressure vessels having a volume of five cubic feet or  
16 less when not located in places of public assembly;

17       (6) Unfired pressure vessels designed for a pressure not exceeding  
18 fifteen pounds per square inch gauge;

19       (7) Tanks used in connection with heating water for domestic and/or  
20 residential purposes;

21       (8) Boilers and unfired pressure vessels in cities having  
22 ordinances which are enforced and which have requirements equal to or  
23 higher than those provided for under this chapter, covering the  
24 installation, operation, maintenance and inspection of boilers and  
25 unfired pressure vessels;

26       (9) Tanks containing water with no air cushion and no direct source  
27 of energy that operate at ((a)) ambient temperature ((of one hundred  
28 ~~thirty degrees Fahrenheit or less~~));

29       (10) Electric boilers:

30       (a) Having a tank volume of not more than one and one-half cubic  
31 feet;

32       (b) Having a maximum allowable working pressure of one hundred  
33 pounds per square inch or less, with a pressure relief system to  
34 prevent excess pressure; and

35       (c) If constructed after June 10, 1994, constructed to American  
36 society of mechanical engineers code, or approved or otherwise  
37 certified by a nationally recognized or recognized foreign testing

1 laboratory or construction code, including but not limited to  
2 Underwriters Laboratories, Edison Testing Laboratory, or Istituto  
3 Superiore Per La Prevenzione E La Sicurezza Del Lavoro;

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

7 (12) Regardless of location, unfired pressure vessels (~~and hot~~  
8 ~~water heaters~~) less than one and one-half cubic feet (11.25 gallons)  
9 in volume (~~with a safety valve setting of one hundred fifty pounds per~~  
10 ~~square inch gauge (psig) or less,~~) or less than six inches in diameter  
11 (~~and less than five cubic feet (37.5 gallons) in volume with a safety~~  
12 ~~valve set at any pressure, or less than fifteen psig containing~~  
13 ~~substances other than steam, lethal substances, or liquids with low~~  
14 ~~flash points~~) with no limitation on the length of the vessel or  
15 pressure;

16 (13) Domestic hot water heaters less than one and one-half cubic  
17 feet (11.25 gallons) in volume with a safety valve setting of one  
18 hundred fifty pounds per square inch gauge or less.

19 **Sec. 4.** RCW 70.79.090 and 2005 c 22 s 2 are each amended to read  
20 as follows:

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

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

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

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

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

35 (5) Approved pressure vessels (hot water heaters, hot water storage  
36 tanks, hot water supply boilers, and hot water heating boilers listed  
37 by a nationally recognized testing agency), with approved safety

1 devices including a pressure relief valve, with a nominal water  
2 containing capacity of one hundred twenty gallons or less having a heat  
3 input of two hundred thousand b.t.u.'s per hour or less, (~~used for hot~~  
4 ~~water supply~~) at pressure of one hundred sixty pounds per square inch  
5 or less, and at temperatures of two hundred ten degrees Fahrenheit or  
6 less: PROVIDED, HOWEVER, That such pressure vessels are not installed  
7 in schools, child care centers, public and private hospitals, nursing  
8 and boarding homes, churches, public buildings owned or leased and  
9 maintained by the state or any political subdivision thereof, and  
10 assembly halls;

11 (6) Unfired pressure vessels containing only water under pressure  
12 for domestic supply purposes, including those containing air, the  
13 compression of which serves only as a cushion or airlift pumping  
14 systems, when located in private residences or in apartment houses of  
15 less than six families, or in public water systems as defined in RCW  
16 70.119.020;

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

18 **Sec. 5.** RCW 70.79.240 and 1993 c 391 s 1 are each amended to read  
19 as follows:

20 Each boiler and unfired pressure vessel used or proposed to be used  
21 within this state, except boilers or unfired pressure vessels exempt in  
22 RCW 70.79.080 and 70.79.090, shall be thoroughly inspected as to their  
23 construction, installation, condition and operation, as follows:

24 (1) Power boilers shall be inspected annually both internally and  
25 externally while not under pressure, except that the board may provide  
26 for longer periods between inspections where the contents, history, or  
27 operation of the power boiler or the material of which it is  
28 constructed warrant special consideration. Power boilers shall also be  
29 inspected annually externally while under pressure if possible;

30 (2) Low pressure heating boilers shall be inspected both internally  
31 and externally biennially where construction will permit, except that  
32 the board may, in its discretion, provide for longer periods between  
33 internal inspections;

34 (3) Unfired pressure vessels subject to internal corrosion shall be  
35 inspected both internally and externally biennially where construction  
36 will permit, except that the board may, in its discretion, provide for  
37 longer periods between internal inspections;

1 (4) Unfired pressure vessels not subject to internal corrosion  
2 shall be inspected externally at intervals set by the board, but  
3 internal inspections shall not be required of unfired pressure vessels,  
4 the contents of which are known to be noncorrosive to the material of  
5 which the shell, head, or fittings are constructed, either from the  
6 chemical composition of the contents or from evidence that the contents  
7 are adequately treated with a corrosion inhibitor, provided that such  
8 vessels are constructed in accordance with the rules and regulations of  
9 the board or in accordance with standards substantially equivalent to  
10 the rules and regulations of the board, in effect at the time of  
11 manufacture.

12 NEW SECTION. **Sec. 6.** RCW 70.79.210 (Inspectors--Performance bond  
13 required) and 1951 c 32 s 35 are each repealed.

--- END ---