
SENATE BILL 5694

State of Washington

69th Legislature

2025 Regular Session

By Senator King

1 AN ACT Relating to a statewide boiler operator certification;
2 amending RCW 70.79.030, 70.79.040, 70.79.090, and 70.79.110; adding
3 new sections to chapter 70.79 RCW; creating a new section; repealing
4 RCW 70.79.050; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there are only
7 three jurisdictions that regulate the safe operation of boilers by
8 certified boiler operators. The national board of boiler and pressure
9 vessel inspectors has advised that trained boiler operators are
10 essential to avoiding potential risks to personnel, the public, and
11 property.

12 The national board stated that "The primary concern in the
13 operation of boilers, regardless of pressure or type, is safety. Too
14 often, automatic features lead owners and the general public to
15 believe that the equipment will function without worker oversight,
16 maintenance, operation, and repair. A boiler can fail regardless of
17 its level of automation and a boiler failure can lead to catastrophic
18 results. Even the automatic controls must be properly maintained and
19 tested at specific intervals to keep them functioning properly."

20 The legislature further finds that ensuring boiler safety is
21 critical and the best way to achieve this goal is through the

1 unification of the existing certification and training expectations
2 for the entire state to ensure portability of the certification and
3 that the workers in this field possess the necessary skills,
4 training, and abilities for the safe operation, maintenance, and
5 repair of boilers. This act is intended not to create a drastically
6 new system, but to utilize the currently recognized certification
7 programs for certification of all workers. A worker who retains
8 certification from any jurisdiction having the authority, and
9 approved by the board, to administer an approved boiler operator
10 certification program is intended to be considered appropriately
11 certified and compliant with this act. The role of the department of
12 labor and industries is intended to be to enforce that these
13 certification requirements are complied with.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.79
15 RCW to read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Board" means the board of boiler rules established pursuant
19 to RCW 70.79.010.

20 (2) "Department" means the department of labor and industries.

21 **Sec. 3.** RCW 70.79.030 and 1999 c 183 s 2 are each amended to
22 read as follows:

23 The board shall formulate definitions and rules for the safe and
24 proper construction, installation, repair, use, and operation of
25 boilers and certification of boiler operators for the safe and proper
26 construction, installation, and repair of unfired pressure vessels in
27 this state. The definitions and rules so formulated shall be based
28 upon, and, at all times, follow the nationally or internationally
29 accepted engineering standards, formulae, and practices established
30 and pertaining to boiler and unfired pressure vessel construction and
31 safety, and the board may by resolution adopt existing published
32 codifications thereof, and when so adopted the same shall be deemed
33 incorporated into, and to constitute a part or the whole of the
34 definitions and rules of the board. Amendments and interpretations to
35 the code shall be enforceable immediately upon being adopted, to the
36 end that the definitions and rules shall at all times follow
37 nationally or internationally accepted engineering standards.
38 However, all rules adopted by the board shall be adopted in

1 compliance with the (~~Administrative Procedure Act~~) administrative
2 procedure act, chapter 34.05 RCW, as now or hereafter amended.

3 **Sec. 4.** RCW 70.79.040 and 1951 c 32 s 4 are each amended to read
4 as follows:

5 (1) The board shall promulgate rules and regulations for the safe
6 and proper installation, repair, use, and operation of boilers, and
7 for the safe and proper installation and repair of unfired pressure
8 vessels which were in use or installed ready for use in this state
9 prior to the date upon which the first rules and regulations under
10 this chapter pertaining to existing installations became effective,
11 or during the (~~twelve months~~) 12-month period immediately
12 thereafter.

13 (2) The board shall adopt rules necessary to implement a
14 certification program for boiler operators who operate and maintain
15 boilers. Initial rules adopted under this subsection must take effect
16 on January 1, 2028.

17 **Sec. 5.** RCW 70.79.090 and 2021 c 65 s 67 are each amended to
18 read as follows:

19 The following boilers and unfired pressure vessels shall be
20 exempt from the requirements of RCW 70.79.220 (~~and~~), 70.79.240
21 through 70.79.330, and sections 7 through 12 of this act:

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

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

27 (3) Steam boilers used exclusively for heating purposes carrying
28 a pressure of not more than (~~fifteen~~) 15 pounds per square inch
29 gauge and which are located in private residences or in apartment
30 houses of less than six families;

31 (4) Hot water heating boilers carrying a pressure of not more
32 than (~~thirty~~) 30 pounds per square inch and which are located in
33 private residences or in apartment houses of less than six families;

34 (5) Approved pressure vessels (hot water heaters, hot water
35 storage tanks, hot water supply boilers, and hot water heating
36 boilers listed by a nationally recognized testing agency), with
37 approved safety devices including a pressure relief valve, with a
38 nominal water containing capacity of (~~one hundred twenty~~) 120

1 gallons or less having a heat input of (~~two hundred thousand~~
2 ~~b.t.u.'s per hour~~) 200,000 Btu/h or less, at pressure of (~~one~~
3 ~~hundred sixty~~) 160 pounds per square inch or less, and at
4 temperatures of (~~two hundred ten~~) 210 degrees Fahrenheit or less:
5 PROVIDED, HOWEVER, That such pressure vessels are not installed in
6 schools, child care centers, public and private hospitals, nursing
7 homes, assisted living facilities, churches, public buildings owned
8 or leased and maintained by the state or any political subdivision
9 thereof, and assembly halls;

10 (6) Unfired pressure vessels containing only water under pressure
11 for domestic supply purposes, including those containing air, the
12 compression of which serves only as a cushion or airlift pumping
13 systems, when located in private residences or in apartment houses of
14 less than six families, or in public water systems as defined in RCW
15 70A.120.020;

16 (7) Unfired pressure vessels containing liquefied petroleum
17 gases.

18 **Sec. 6.** RCW 70.79.110 and 1951 c 32 s 11 are each amended to
19 read as follows:

20 The chief inspector, if authorized by the director of the
21 department (~~of labor and industries~~) is hereby charged, directed
22 and empowered:

23 (1) To cause the prosecution of all violators of the provisions
24 of this chapter;

25 (2) To issue, or to suspend, or revoke for cause, inspection
26 certificates as provided for in RCW 70.79.290;

27 (3) To take action necessary for the enforcement of the laws of
28 the state governing the use of boilers and unfired pressure vessels
29 and of the rules and regulations of the board;

30 (4) To keep a complete record of the type, dimensions, maximum
31 allowable working pressure, age, condition, location, and date of the
32 last recorded internal inspection of all boilers and unfired pressure
33 vessels to which this chapter applies;

34 (5) To publish and distribute, among manufacturers and others
35 requesting them, copies of the rules and regulations adopted by the
36 board.

37 (6) To issue, suspend, or revoke for cause boiler operator
38 certifications issued under this chapter.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.79

2 RCW to read as follows:

3 (1) The department, with the consent of the board, shall prepare
4 examinations to be administered to applicants for boiler operator
5 certification. The examination must be constructed to determine:

6 (a) Whether the applicant possesses varied knowledge of the
7 technical information and practical procedures that are identified
8 with the level boiler operation; and

9 (b) Whether the applicant is familiar with the applicable
10 national and international codes, this chapter, and the
11 administrative rules of the department pertaining to boiler operation
12 and general maintenance.

13 (2) The department, with the consent of the board, may enter into
14 a contract with a nationally recognized testing agency to develop,
15 administer, and score any examinations required by this section. All
16 applicants must, before taking an examination, pay the required
17 examination fee. The department shall set the examination fee by
18 contract with a nationally recognized testing agency, if applicable.
19 The fee must cover, but not exceed, the costs of preparing and
20 administering the examination and the materials necessary to conduct
21 the practical elements of the examination. The department shall
22 approve training courses for examinations provided by this section.

23 (3) The department shall certify the results of the examinations
24 and must notify the applicant in writing whether the applicant has
25 passed or failed. Any applicant who has failed the examination may
26 retake the examination pursuant to the terms set by the board in
27 rule. The board may not limit the number of times a person may take
28 the examination.

29 (4) The board must establish by rule the acceptable experience
30 levels and requirements necessary for an applicant to be eligible to
31 take the boiler operator certification examinations subject to the
32 following:

33 (a) For a grade I boiler operator certification, the applicant
34 must furnish to the department evidence of qualification that the
35 applicant has:

36 (i) An aggregate of five years' experience operating high or low
37 pressure boiler plants, or equivalent experience;

38 (ii) Attended a recognized school of technology and has an
39 aggregate of three years' experience operating high or low pressure
40 boiler plants or equivalent experience; or

1 (iii) Attended a recognized training program and has an aggregate
2 of four years' experience operating high or low pressure boiler
3 plants or equivalent experience.

4 (b) For a grade II boiler operator certification, the applicant
5 must furnish to the department evidence of qualification that the
6 applicant has:

7 (i) An aggregate of four years' experience operating high or low
8 pressure boiler plants, or equivalent experience;

9 (ii) Attended a recognized school of technology and has an
10 aggregate of two years' experience operating high or low pressure
11 boiler plants or equivalent experience; or

12 (iii) Attended a recognized training program and has an aggregate
13 of three years' experience operating high or low pressure boiler
14 plants or equivalent experience.

15 (c) For a grade III boiler operator certification, the applicant
16 must furnish to the department evidence of qualification that the
17 applicant has:

18 (i) An aggregate of three years' experience operating high or low
19 pressure boiler plants or equivalent experience;

20 (ii) Attended a recognized school of technology and has an
21 aggregate of one year experience operating high or low pressure
22 boiler plants or equivalent experience; or

23 (iii) Attended a recognized training program and has an aggregate
24 of two years' experience operating high or low pressure boiler plants
25 or equivalent experience.

26 (d) For a grade IV boiler operator certification, the applicant
27 must furnish to the department evidence of qualification that the
28 applicant has:

29 (i) An aggregate of one year of experience operating high or low
30 pressure boiler plants or equivalent experience;

31 (ii) Attended a recognized school of technology and has an
32 aggregate of 80 hours observation experience operating high or low
33 pressure boiler plants or equivalent experience; or

34 (iii) Attended a recognized training program and has an aggregate
35 of 120 hours observation experience operating high or low pressure
36 boiler plants or equivalent experience.

37 (e) For a grade V boiler operator certification, the applicant
38 must furnish evidence of qualification of examination as required by
39 the department.

1 (5) The board shall, by rule, establish the requisite level, not
2 less than eight hours every four years, of continuing education units
3 required for renewal of boiler operator certification.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 70.79
5 RCW to read as follows:

6 (1) A city performing certification of boiler operators within
7 its jurisdiction may continue the administration of its boiler
8 operator certification program if it:

9 (a) Has adopted ordinances with requirements equal to, or higher
10 than, the requirements for the operation of boilers and the
11 certification of boiler operators established in this chapter; and

12 (b) Actively enforces the ordinances adopted under (a) of this
13 subsection.

14 (2) After the adoption of rules by the board relating to boiler
15 operator certification, as required in section 4 of this act, and
16 until January 1, 2029, a boiler operator certification obtained from
17 any city covered under subsection (1) of this section has the same
18 force and effect as the state boiler operator certification and
19 allows the holder of the certification to perform boiler operator
20 work in this state. However, this subsection does not prohibit a city
21 covered under subsection (1) of this section from requiring its own
22 boiler operator certificate within its jurisdiction.

23 (3) The board shall adopt rules for the removal of city
24 certification programs that do not adhere to the requirements of this
25 chapter and the rules adopted by the board.

26 (4) This chapter does not limit any city's authority to charge
27 fees necessary to implement a program under subsection (1) of this
28 section.

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

31 No examination may be required of any applicant for a certificate
32 of competency who, on December 31, 2027, was engaged in a bona fide
33 business or trade of boiler operation and maintenance, held a valid
34 certificate or license issued by a political subdivision of the
35 state, and whose certification was valid at the time of making the
36 application for the certificate. To qualify for state certification
37 without passing the state examination, applicants qualifying under
38 this section must apply by October 1, 2028. Applicants qualifying

1 under this section shall be issued a certification by the department
2 upon making an application as provided in the rules adopted by the
3 board.

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

6 (1) The department may grant temporary boiler operator permits in
7 lieu of certificates of competency whenever a boiler operator coming
8 into the state of Washington from another state requests from the
9 department a temporary permit to engage in the trade of boiler
10 operation as a certified boiler operator during the period of time
11 between filing an application for a boiler operator certificate and
12 taking the examination provided for in section 7 of this act.

13 (2) The temporary permit may include a photograph of the boiler
14 operator.

15 (3) No temporary permit may be issued to:

16 (a) Any person who has failed to pass the examination for a
17 certificate of competency; or

18 (b) Any applicant under this section who has not furnished the
19 department with the required evidence of experience or education
20 required under section 7 of this act.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 70.79
22 RCW to read as follows:

23 (1) The department may revoke or suspend a boiler operator
24 certification for any of the following reasons:

25 (a) The certification was obtained through error or fraud;

26 (b) The certificate holder is judged to be incompetent to carry
27 on the trade of boiler operation and maintenance at the level of
28 boiler operation identified on the holder's certification;

29 (c) The certificate holder has violated any provision of this
30 chapter or any rule adopted under this chapter.

31 (2) Before a boiler operator certification is revoked or
32 suspended, the department shall send written notice using a method by
33 which the mailing can be tracked or the delivery confirmed to the
34 certificate holder's last known address. The notice must list the
35 allegations against the certificate holder and give the certificate
36 holder the opportunity to request a hearing before the board. At the
37 hearing, the department and the certificate holder may produce
38 witnesses and give testimony. The hearing must be conducted in

1 accordance with chapter 34.05 RCW. The board shall render its
2 decision based upon the testimony and evidence presented and shall
3 notify the parties immediately upon reaching its decision. A majority
4 of the board is necessary to render a decision.

5 (3) The department may deny renewal of a boiler operator
6 certification issued under this chapter if the applicant for renewal
7 owes outstanding penalties for a final judgment under this chapter.
8 The department shall notify the applicant of the denial using a
9 method by which the mailing can be tracked or the delivery confirmed
10 to the address on the application. Applicants may appeal the denied
11 renewal of a boiler operator certification to the board. The appeal
12 must be filed within 20 days after service of the notice of the
13 denied renewal to the applicant by filing a written notice of appeal
14 with the chief boiler inspector. The hearing and review procedures
15 shall be conducted by the board in accordance with chapter 34.05 RCW.

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 70.79
17 RCW to read as follows:

18 (1) It is unlawful for any person, firm, partnership, or
19 corporation to operate a boiler covered under this chapter without a
20 valid boiler operator certification.

21 (2) The department may assess a penalty against a person, firm,
22 partnership, or corporation violating a provision of this chapter.
23 The penalty shall be not more than \$500. Each day that the violation
24 continues is a separate violation and is subject to a separate
25 penalty.

26 (3) The department may not assess a penalty under this section
27 until the board adopts rules related to the method it uses to
28 calculate penalties for violations of boiler operator requirements.

29 (4) The department must notify the violator of its action, and
30 the reasons for its action, in writing. The department must send the
31 notice to the violator using a method by which the mailing can be
32 tracked or the delivery confirmed. A hearing may be requested under
33 RCW 70.79.361. The hearing shall not stay the effect of the penalty.

34 NEW SECTION. **Sec. 13.** RCW 70.79.050 (Rules and regulations—
35 Effect) and 1951 c 32 s 5 are each repealed.

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