

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 351
HOUSE BILL 556

AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM
BOILER AND PRESSURE VESSEL ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-69.9(b) reads as rewritten:

"(b) The term 'boiler' shall mean a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the ~~direct~~-application of heat from the combustion of fuels, or from electricity or nuclear energy. This term 'boiler' shall also include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves;"

Sec. 2. G.S. 95-69.10(b) reads as rewritten:

"(b) This Article shall not apply to:

- (1) Boilers and pressure vessels owned and/or operated by the federal ~~government; government.~~
- (2) Pressure vessels used for transportation or storage of compressed gases when constructed in compliance with the specifications of the United States Department of Transportation and when charged with gas marked, maintained, and periodically requalified for use, as required by appropriate regulations of the United States Department of ~~Transportation; Transportation.~~
- (3) ~~To portable boilers and~~ Portable pressure vessels used for agricultural purposes only or for pumping or drilling in an open field for water, gas or coal, gold, talc, or other minerals and ~~metals; metals.~~
- (4) Boilers and pressure vessels which are located in private residences or in apartment houses of less than six ~~families; families.~~
- (5) Pressure vessels used for transportation or storage of liquified petroleum ~~gas; gas.~~
- (6) Air tanks located on vehicles licensed under the rules and regulations of other state authorities operating under rules and regulations substantially similar to those of this State and used for carrying passengers or freight within interstate ~~commerce; commerce.~~
- (7) Air tanks installed on right-of-way of railroads and used directly in the operation of ~~trains; trains.~~
- (8) Pressure vessels that do not exceed five cubic feet in volume and 250 PSIG pressure; or one and one-half cubic feet in volume and 600 PSIG

- pressure; or an inside diameter of six inches with no limitations on ~~pressure; pressure.~~
- (9) Pressure vessels operating at a working pressure not exceeding 15 PSIG ~~pressure; pressure.~~
 - (10) Pressure vessels with a nominal water capacity of 120 gallons or less and containing water under pressure at ambient temperature, including those containing air, the compression of which serves as a ~~cushion;~~ cushion.
 - (11) Boilers and pressure vessels on railroad steam locomotives that are subject to federal safety ~~regulations;~~ regulations.
 - (12) Repealed by Session Laws 1985, c. 620, s. 2, effective July 5, 1985.
 - (13) Coil-type hot water supply boilers, generally referred to as steam jennies, where the water can flash into steam when released directly to the atmosphere through a manually operated nozzle and where adequate safety relief valves and controls are installed on them, provided none of the following limitations are exceeded:
 - a. There is no drum, header, or other steam space.
 - b. No steam is generated within the coil.
 - c. Maximum 1 inch tube size.
 - d. Maximum 3/4 inch nominal pipe size.
 - e. Maximum 6 gallon nominal water storage capacity.
 - f. Water temperature of 350 degrees fahrenheit.
 - (14) Pressure vessels containing water at a temperature not exceeding 110 degrees fahrenheit except that this provision shall not exclude hydropneumatic pressure vessels from regulation."

Sec. 3. G.S. 95-69.11 reads as rewritten:

"§ 95-69.11. Powers and duties of Commissioner.

The Commissioner of Labor is hereby charged, directed, and empowered:

- (1) To adopt, ~~modify~~ modify, or revoke rules ~~and regulations~~ governing the construction, ~~operation~~ operation, and use of boilers and pressure vessels, including, where necessary, requirements for fencing to prevent unauthorized persons from coming in contact with boilers and pressure vessels or the systems they are connected ~~to;~~ to.
- (2) To supervise the office of the Director of Boiler and Pressure Vessel ~~Division;~~ Division.
- (3) To enforce rules ~~and regulations~~ adopted under authority of this ~~Article;~~ Article.
- (4) To inspect boilers and pressure vessels covered under this ~~Article;~~ Article.
- (5) To issue inspection certificates to those boilers and pressure vessels found in compliance with this ~~Article;~~ Article.
- (6) To enjoin violations of this Article in the civil and criminal courts of this ~~State;~~ State.

- (7) To keep adequate records of the type, dimensions, age, conditions, pressure allowed upon, ~~location~~location, and date of the last inspection of all boilers and pressure vessels to which this Article ~~applies;~~applies.
- (8) To require such periodic reports from inspectors, owners, and operators of boilers and pressure vessels as he deems appropriate in carrying out the purposes of this ~~Article;~~Article.
- (9) To have free access, without notice, to any location in this State, during reasonable hours, where a boiler or pressure vessel is being built, installed, or operated for the purpose of ascertaining whether such boiler or pressure vessel is built, ~~installed~~installed, or operated in accordance with the provisions of this ~~Article;~~Article.
- (10) To investigate serious accidents involving boilers and pressure vessels to determine the causes of ~~such accident(s);~~the accidents, and ~~he shall to~~ have full subpoena powers in conducting ~~said investigation;~~the investigation.
- (11) To establish reasonable fees for the inspection and issuance of inspection certificates for boilers and pressure ~~vessels;~~vessels that are in use.
- (12) To establish reasonable fees for the examination and certification of ~~inspectors;~~inspectors.
- (13) To appoint qualified individuals to the Board of Boiler and Pressure Vessel Rules.
- (14) To perform inspections and audits relating to the construction and repair of boilers and pressure vessels and to establish and collect fees for these activities."

Sec. 4. G.S. 95-69.16 reads as rewritten:

"§ 95-69.16. ~~Inspections; report, certificates, fees.~~ Inspection certificate required.

(a) All boilers and pressure vessels subject to the provisions of this Article shall be inspected by an authorized ~~inspector, as set out in G.S. 95-69.15, at such intervals and by such methods as the Commissioner may from time to time prescribe by regulation.~~inspector. The Commissioner may determine both the frequency and the method of inspection. In determining the frequency ~~with which various categories of boiler and pressure vessels shall be inspected,~~of inspection, the Commissioner shall give due consideration to the hazard involved and the need for the protection of the public. ~~Methods~~The method of inspection must provide an adequate procedure to insure the safety of individuals likely to be injured by an explosion or accident involving a boiler or pressure vessel.

(b) ~~Upon completion of an inspection the authorized inspector shall file a report on the suitability of the boiler or pressure vessel inspected with the Director. The inspector shall attach the fee paid for the inspection to his report.~~

(c) ~~Upon receipt of the inspector's report and fee, the Director shall determine whether or not a boiler or pressure vessel is in compliance with the rules and regulations adopted under this Article. If the Director determines it is in compliance he shall issue~~

~~an inspection certificate authorizing use of the boiler or pressure vessel. When the Director determines a boiler or pressure vessel is not in compliance, he shall so notify the owner or user within 10 working days. No~~

~~No boiler or pressure vessel may be operated without an inspection certificate, except pressure vessels being operated under an owner-user provision where administrative procedures of equal safety and competency have been approved by the Board and Commissioner. No more than 60 days grace period may be granted beyond the certificate expiration date. An individual whose boiler or pressure vessel is found in noncompliance may appeal that determination to the Commissioner within 30 days after notification of the decision is received."~~

Sec. 5. G.S. 95-69.17(b) reads as rewritten:

"(b) A final decision to deny an application for a certificate of competency or to refuse to issue or renew an inspection certificate shall be made in accordance with Chapter 150B of the General Statutes. In a contested case under this subsection, the decision of the ~~Board or~~ Director shall not be stayed pending administrative review."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 15th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives