

LEGISLATIVE BILL 66

Approved by the Governor March 3, 1999

Introduced by Hilgert, 7; Lynch, 13; Jensen, 20

AN ACT relating to boiler inspections; to amend sections 48-721, 48-722, 48-726, and 48-727, Reissue Revised Statutes of Nebraska; to change provisions relating to the inspector, codes, and exemptions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 48-721, Reissue Revised Statutes of Nebraska, is amended to read:

48-721. The commissioner shall appoint a state boiler inspector who shall work under the direct supervision of the commissioner or his or her designee and devote his or her full time to the duties of the office. ~~The commissioner may appoint deputy inspectors possessing the same qualifications as the state boiler inspector whenever the same may be necessary to carry out the Boiler Inspection Act. Such deputy inspectors shall be subject to and governed by the same rules and regulations applicable to and governing the acts and conduct of the state boiler inspector.~~ The person so appointed shall (1) be a practical boilermaker, technical engineer, operating engineer, or boiler inspector and hold a commission from the National Board of Boiler and Pressure Vessel Inspectors with an "A" ~~or "B"~~ endorsement. The state boiler inspector shall also either hold a "B" endorsement to his or her commission or acquire the commission within twelve months of appointment and an "A" or a "B" endorsement within eighteen months of appointment, (2) be qualified by not less than ten years' experience in the construction, installation, repair, inspection, or operation of boilers, steam generators, and superheaters, (3) have a knowledge of their operation and use for the generating of steam for power, heating, or other purposes, and (4) neither directly nor indirectly be interested in the manufacture, ownership, or agency of the same. The commissioner may appoint deputy inspectors as necessary to carry out the Boiler Inspection Act. Deputy inspectors shall hold a commission from the National Board of Boiler and Pressure Vessel Inspectors or acquire the same within twelve months of appointment. Such deputy inspectors shall otherwise be subject to and governed by the same rules and regulations applicable to and governing the acts and conduct of the state boiler inspector. Before entering upon his or her duties under the Boiler Inspection Act, the state boiler inspector and each deputy inspector shall be bonded under the blanket surety bond required by section 11-201.

Sec. 2. Section 48-722, Reissue Revised Statutes of Nebraska, is amended to read:

48-722. (1) Except as provided in subsection (2) of this section, the state boiler inspector shall inspect or cause to be inspected at least once every twelve months all boilers required to be inspected by the Boiler Inspection Act to determine whether the boilers are in a safe and satisfactory condition and properly constructed and maintained for the purpose for which the boiler is used, except that (a) hobby boilers, steam farm traction engines, portable and stationary show engines, and portable and stationary show boilers, which are not otherwise exempted from the act pursuant to section 48-726, shall be subject to inspection at least once every twenty-four months and (b) the commissioner may, by rule and regulation, establish inspection periods for pressure vessels of more than twelve months, but not to exceed the inspection period recommended in the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers National Board Inspection Code or the American Petroleum Institute Pressure Vessel Inspection Code API-510 for pressure vessels being used for similar purposes. No boilers required to be inspected by the act shall be operated without valid and current certification pursuant to rules and regulations adopted and promulgated by the commissioner in accordance with the requirements of the Administrative Procedure Act. The owner of any boiler installed after September 2, 1973, shall file a manufacturer's data report covering the construction of such boiler with the state boiler inspector. Such reports shall be used to assist the state boiler inspector in the certification of boilers. No boiler required to be inspected by the Boiler Inspection Act shall be operated at any type of public gathering or show without first being inspected and certified as to its safety by the state boiler inspector. Antique engines with boilers may be brought into the state from other states without inspection, but inspection as provided in this section shall be made

and the boiler certified as safe before being operated.

(2) The commissioner may, by rule and regulation, waive the inspection of unfired pressure vessels registered with the State of Nebraska if the commissioner finds that the owner or user of the unfired pressure vessel follows a safety inspection and repair program that is based upon nationally recognized standards.

Sec. 3. Section 48-726, Reissue Revised Statutes of Nebraska, is amended to read:

48-726. The Boiler Inspection Act shall not apply to (1) boilers of railway locomotives subject to federal inspection, (2) boilers operated and regularly inspected by railway companies operating in interstate commerce, (3) boilers under the jurisdiction and subject to regular periodic inspection by the United States Government, (4) boilers used exclusively for agricultural purposes, (5) steam heating boilers in single-family residences and apartment houses with four or less units using a pressure of less than fifteen pounds per square inch and having a safety valve set at not higher than fifteen pounds pressure per square inch, (6) heating boilers using water in single-family residences and apartment houses with four or less units using a pressure of less than thirty pounds per square inch and having a safety valve set at not higher than thirty pounds pressure per square inch, (7) fire engine boilers brought into the state for temporary use in times of emergency, (8) boilers of a miniature model locomotive or boat or tractor or stationary engine constructed and maintained as a hobby and not for commercial use and having a diameter of less than ten inches inside diameter and a grate area not in excess of one and one-half square feet and that are properly equipped with a safety valve, (9) hot water supply boilers if none of the following limitations is exceeded: (a) ~~One~~ ~~Two~~ ~~hundred~~ ~~fifty~~ thousand British thermal units of input; (b) one hundred twenty gallons of nominal capacity; or (c) two hundred ten degrees Fahrenheit output, (10) unfired pressure vessels not exceeding (a) five cubic feet in volume or (b) a pressure of two hundred fifty pounds per square inch, and (11) unfired pressure vessels owned and maintained by a district or corporation organized under the provisions of Chapter 70, article 6.

Sec. 4. Section 48-727, Reissue Revised Statutes of Nebraska, is amended to read:

48-727. The commissioner may adopt and promulgate rules and regulations for the purpose of effectuating the Boiler Inspection Act, including rules and regulations for the methods of testing equipment, the construction and installation of new boilers, and a schedule of inspection and certificate fees for boilers required to be inspected by the act. Such rules and regulations may incorporate by reference any portion of (1) the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, as amended, (2) the National Board Inspection Code for Boilers and Pressure Vessels, as amended, (3) the American Society of Mechanical Engineers Safety Code for Controls and Safety Devices for Automatically Fired Boilers, as amended, concerning controls and safety devices for automatically fired boilers, (4) the American Petroleum Institute Pressure Vessel Inspection Code ~~ANSI-API-510~~ API-510, and (5) the National Fire Protection Association, series 85, code for controls and safety devices, including codes referenced in such code. A copy of all rules and regulations adopted and promulgated under the Boiler Inspection Act, including copies of all codes incorporated by reference, shall be kept on file in the office of the commissioner and shall be known as the Boiler Safety Code.

Sec. 5. Original sections 48-721, 48-722, 48-726, and 48-727, Reissue Revised Statutes of Nebraska, are repealed.