

CERTIFICATION OF ENROLLMENT

SENATE BILL 5040

56th Legislature
1999 Regular Session

Passed by the Senate April 20, 1999
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 12, 1999
YEAS 94 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5040** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5040

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senators Fairley and Horn; by request of Department of Labor & Industries

Read first time 01/11/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to boilers and unfired pressure vessels; and
2 amending RCW 70.79.010, 70.79.030, 70.79.080, 70.79.090, 70.79.130,
3 70.79.140, 70.79.150, 70.79.160, 70.79.280, and 70.79.310.

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

5 **Sec. 1.** RCW 70.79.010 and 1951 c 32 s 1 are each amended to read
6 as follows:

7 There is hereby created within this state a board of boiler rules,
8 which shall hereafter be referred to as the board, consisting of five
9 members who shall be appointed to the board by the governor, one for a
10 term of one year, one for a term of two years, one for a term of three
11 years, and two for a term of four years. At the expiration of their
12 respective terms of office, they, or their successors identifiable with
13 the same interests respectively as hereinafter provided, shall be
14 appointed for terms of four years each. The governor may at any time
15 remove any member of the board for inefficiency or neglect of duty in
16 office. Upon the death or incapacity of any member the governor shall
17 fill the vacancy for the remainder of the vacated term with a
18 representative of the same interests with which his or her predecessor
19 was identified. Of these five appointed members, one shall be

1 representative of owners and users of boilers and unfired pressure
2 vessels within the state, one shall be representative of the boiler or
3 unfired pressure vessel manufacturers within the state, one shall be a
4 representative of a boiler insurance company licensed to do business
5 within the state, one shall be a mechanical engineer on the faculty of
6 a recognized engineering college or a graduate mechanical engineer
7 having equivalent experience, and one shall be representative of the
8 boilermakers (~~((or practical steam))~~), stationary operating engineers, or
9 pressure vessel operators. The board shall elect one of its members to
10 serve as (~~((chairman))~~) chair and, at the call of the (~~((chairman))~~) chair,
11 the board shall meet at least four times each year at the state capitol
12 or other place designated by the board.

13 **Sec. 2.** RCW 70.79.030 and 1972 ex.s. c 86 s 1 are each amended to
14 read as follows:

15 The board shall formulate definitions(~~((and rules(~~((and regulations))~~)~~)) and rules(~~((and regulations))~~) for the safe and proper construction, installation,
16 ~~regulations))~~ for the safe and proper construction, installation,
17 repair, use, and operation of boilers and for the safe and proper
18 construction, installation, and repair of unfired pressure vessels in
19 this state. The definitions(~~((and rules(~~((and regulations))~~)~~) so
20 formulated shall be based upon, and, at all times, follow the
21 (~~((generally))~~) nationally or internationally accepted (~~((nationwide))~~)
22 engineering standards, formulae, and practices established and
23 pertaining to boiler and unfired pressure vessel construction and
24 safety, and the board may by resolution adopt (~~((an))~~) existing published
25 codifications thereof, (~~((known as "The Boiler Construction Code of the~~
26 ~~American Society of Mechanical Engineers", with the amendments and~~
27 ~~interpretations thereto made and approved by the council of the~~
28 ~~society, and may likewise adopt the amendments and interpretations~~
29 ~~subsequently made and published by the same authority;))~~) and when so
30 adopted the same shall be deemed incorporated into, and to constitute
31 a part or the whole of the definitions(~~((and rules(~~((and regulations))~~)~~) and rules(~~((and regulations))~~) of the board. Amendments and interpretations to the code
32 ~~regulations))~~) of the board. Amendments and interpretations to the code
33 (~~((so adopted))~~) shall be (~~((adopted))~~) enforceable immediately upon being
34 (~~((promulgated))~~) adopted, to the end that the definitions(~~((and rules(~~((and regulations))~~)~~) shall at all times follow (~~((the generally))~~)
35 ~~rules(~~((and regulations))~~)~~ shall at all times follow (~~((the generally))~~)
36 nationally or internationally accepted (~~((nationwide))~~) engineering
37 standards(~~((:—PROVIDED,))~~). However, (~~((That))~~) all rules (~~((and~~
38 ~~regulations promulgated))~~) adopted by the board(~~((including any or all~~

1 ~~of the boiler construction code of the American society of mechanical~~
2 ~~engineers with amendments and interpretations thereof,)) shall be~~
3 adopted in compliance with the Administrative Procedure Act, chapter
4 34.05 RCW, as now or hereafter amended. ~~((All boilers and unfired~~
5 ~~pressure vessels subject to the jurisdiction of the board, which have~~
6 ~~been constructed or installed in accordance with the code of the~~
7 ~~American society of mechanical engineers shall be prima facie evidence~~
8 ~~of compliance with those provisions of this chapter and the rules of~~
9 ~~the board.))~~

10 **Sec. 3.** RCW 70.79.080 and 1996 c 72 s 1 are each amended to read
11 as follows:

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

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

17 (2) Unfired pressure vessels meeting the requirements of the
18 interstate commerce commission for shipment of liquids or gases under
19 pressure;

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

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

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

26 (6) Unfired pressure vessels designed for a pressure not exceeding
27 fifteen pounds per square inch gauge when not located in place of
28 public assembly;

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

31 (8) Boilers and unfired pressure vessels in cities having
32 ordinances which are enforced and which have requirements equal to or
33 higher than those provided for under this chapter, covering the
34 installation, operation, maintenance and inspection of boilers and
35 unfired pressure vessels;

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

1 (10) Electric boilers:

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

4 (b) Having a maximum allowable working pressure of eighty pounds
5 per square inch or less, with a pressure relief system to prevent
6 excess pressure; and

7 (c) If constructed after June 10, 1994, constructed to American
8 society of mechanical engineers code, or approved or otherwise
9 certified by a nationally recognized or recognized foreign testing
10 laboratory or construction code, including but not limited to
11 Underwriters Laboratories, Edison Testing Laboratory, or Istituto
12 Superiore Per La Prevenzione E La Sicurezza Del Lavoro;

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

16 (12) Regardless of location, unfired pressure vessels and hot water
17 heaters less than one and one-half cubic feet (11.25 gallons) in volume
18 with a safety valve setting of one hundred fifty pounds per square inch
19 gauge (psig) or less, or less than six inches in diameter and less than
20 five cubic feet (37.5 gallons) in volume with a safety valve set at any
21 pressure, or less than fifteen psig containing substances other than
22 steam, lethal substances, or liquids with low flash points.

23 **Sec. 4.** RCW 70.79.090 and 1988 c 254 s 20 are each amended to read
24 as follows:

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

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

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

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

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

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

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

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

19 **Sec. 5.** RCW 70.79.130 and 1951 c 32 s 13 are each amended to read
20 as follows:

21 In addition to the deputy boiler inspectors authorized by RCW
22 70.79.120, the chief inspector shall, upon the request of any company
23 authorized to insure against loss from explosion of boilers and unfired
24 pressure vessels in this state, or upon the request of any company
25 operating boilers or unfired pressure vessels in this state, issue to
26 any inspectors of said company commissions as special inspectors,
27 provided that each such inspector before receiving his or her
28 commission shall satisfactorily pass the examination provided for in
29 RCW 70.79.170, or, in lieu of such examination, shall hold a
30 certificate of competency as an inspector of boilers and unfired
31 pressure vessels for a state that has a standard of examination
32 substantially equal to that of this state or a certificate as an
33 inspector of boilers and unfired pressure vessels from the national
34 board of boiler and pressure vessel inspectors. A commission as a
35 special inspector for a company operating boilers or unfired pressure
36 vessels in this state shall be issued only if, in addition to meeting
37 the requirements stated herein, the inspector is continuously employed

1 by the company for the purpose of making inspections of boilers or
2 unfired pressure vessels used, or to be used, by such company.

3 **Sec. 6.** RCW 70.79.140 and 1951 c 32 s 14 are each amended to read
4 as follows:

5 Special inspectors shall receive no salary from, nor shall any of
6 their expenses be paid by the state, and the continuance of a special
7 inspector's commission shall be conditioned upon his or her continuing
8 in the employ of a boiler insurance company duly authorized as
9 aforesaid or upon continuing in the employ of a company operating
10 boilers or unfired pressure vessels in this state and upon his or her
11 maintenance of the standards imposed by this chapter.

12 **Sec. 7.** RCW 70.79.150 and 1951 c 32 s 15 are each amended to read
13 as follows:

14 Special inspectors shall inspect all boilers and unfired pressure
15 vessels insured or (~~all unfired pressure vessels~~) operated by their
16 respective companies and, when so inspected, the owners and users of
17 such insured boilers and unfired pressure vessels shall be exempt from
18 the payment to the state of the inspection fees as provided for in RCW
19 70.79.330.

20 **Sec. 8.** RCW 70.79.160 and 1951 c 32 s 16 are each amended to read
21 as follows:

22 Each company employing special inspectors shall, within thirty days
23 following each internal boiler or unfired pressure vessel inspection
24 made by such inspectors, file a report of such inspection with the
25 chief inspector upon appropriate forms (~~as promulgated by the American~~
26 ~~society of mechanical engineers~~). Reports of external inspections
27 shall not be required except when such inspections disclose that the
28 boiler or unfired pressure vessel is in dangerous condition.

29 **Sec. 9.** RCW 70.79.280 and 1951 c 32 s 27 are each amended to read
30 as follows:

31 All boilers and all unfired pressure vessels to be installed in
32 this state after the (~~twelve months~~) twelve-month period from the
33 date upon which the rules (~~and regulations~~) of the board shall become
34 effective shall be inspected during construction as required by the
35 applicable rules (~~and regulations~~) of the board by an inspector

1 authorized to inspect boilers and unfired pressure vessels in this
2 state, or, if constructed outside of the state, by an inspector holding
3 a certificate from the national board of boiler and pressure vessel
4 inspectors, or a certificate of competency as an inspector of boilers
5 and unfired pressure vessels for a state that has a standard of
6 examination substantially equal to that of this state as provided in
7 RCW 70.79.170.

8 **Sec. 10.** RCW 70.79.310 and 1951 c 32 s 30 are each amended to read
9 as follows:

10 The chief inspector, or his or her authorized representative, may
11 at any time suspend an inspection certificate when, in his or her
12 opinion, the boiler or unfired pressure vessel for which it was
13 issued((~~τ~~)) cannot be operated without menace to the public safety, or
14 when the boiler or unfired pressure vessel is found not to comply with
15 the rules ((~~and regulations~~)) herein provided. A special inspector
16 shall have corresponding powers with respect to inspection certificates
17 for boilers or unfired pressure vessels insured or ((~~unfired pressure~~
18 ~~vessels~~)) operated by the company employing him or her. Such
19 suspension of an inspection certificate shall continue in effect until
20 such boiler or unfired pressure vessel shall have been made to conform
21 to the rules ((~~and regulations~~)) of the board, and until said
22 inspection certificate shall have been reinstated.

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