
HOUSE BILL 2174

State of Washington

53rd Legislature

1994 Regular Session

By Representatives J. Kohl, Jacobsen, Lemmon, Long, Kremen, Linville, L. Johnson, Sommers, Appelwick, Cothorn, Karahalios, Dorn, Foreman, Talcott, Wood, Heavey, Horn, Eide, Campbell, Orr, Brough, Jones, Carlson, Rayburn, Dyer, Johanson, Wineberry, Basich, Romero, Schoesler, Springer, Brown, Hansen, Leonard, Morris, Fuhrman, Chappell and Anderson

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1 AN ACT Relating to machines used for espresso coffee or similar
2 applications; amending RCW 70.79.080; adding a new section to chapter
3 70.79 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that certain types
6 and sizes of boilers and other pressure vessels are used for the
7 purpose of generating low-pressure steam in espresso coffee and similar
8 machines that are now as commonplace throughout Washington state as
9 they are elsewhere throughout many foreign countries. To regulate
10 these machines with low-pressure, steam-generating systems as true
11 boilers would impose an undue regulatory and financial burden upon the
12 many small, independent operators of the machines with little or no
13 measurable or real public benefit. The boilers typically used in
14 espresso coffee machines have a remarkable safety record with no known
15 failures or explosions. These boilers hold no more than six gallons of
16 water under a pressure of less than twenty-five pounds per square inch.
17 Public health and safety is neither endangered nor compromised from the
18 operation of these machines. Moreover, the legislature is aware of no
19 other state or country that regulates these machines as true "boilers"

1 subject to certification and inspection programs. In addition, the
2 legislature has previously exempted certain types and sizes of boilers
3 and pressure vessels from regulation and finds that adding one more
4 exemption under this act is consistent with the legislature's policy of
5 protecting public health and safety by means other than overregulating
6 private industry and small businesses. The legislature finds that it
7 is the public policy of this state that the construction, installation,
8 and operation of boilers and pressure vessels consistent with section
9 2 of this act qualify these machines to be exempt from state regulation
10 under chapter 70.79 RCW and chapter 296-104 WAC and from regulation
11 under any comparable locally adopted ordinances and rules or
12 regulations.

13 (2) The purpose of section 2 of this act is to expressly exempt
14 certain sizes and types of machines that otherwise would technically
15 qualify as either boilers or pressure vessels, or both, from state
16 regulation under chapter 70.79 RCW and chapter 296-104 WAC, and from
17 regulation under any comparable locally adopted ordinances and rules or
18 regulations.

19 **Sec. 2.** RCW 70.79.080 and 1986 c 97 s 1 are each amended to read
20 as follows:

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

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

26 (2) Unfired pressure vessels meeting the requirements of the
27 interstate commerce commission for shipment of liquids or gases under
28 pressure;

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

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

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

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

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

3 (8) Boilers and unfired pressure vessels in cities having
4 ordinances which are enforced and which have requirements equal to or
5 higher than those provided for under this chapter, covering the
6 installation, operation, maintenance and inspection of boilers and
7 unfired pressure vessels;

8 (9) Tanks containing water with no air cushion and no direct source
9 of energy that operate at ambient temperature;

10 (10) Boilers and all types of pressure vessels used for such
11 purposes as generating steam in espresso coffee machines and other
12 similar applications having a tank volume of one and one-half cubic
13 feet or less and operating under a maximum working pressure of twenty-
14 five pounds per square inch or less, with means by pressure relief
15 valve or otherwise to prevent excess pressure, and approved or
16 certified by U.L., E.T.L., A.S.M.E., A.S.T.M., or another nationally
17 recognized testing laboratory.

18 NEW SECTION. Sec. 3. A new section is added to chapter 70.79 RCW
19 to read as follows:

20 A local government may not enforce a local ordinance, rule, or
21 regulation with respect to the construction, installation, operation,
22 maintenance, or inspection of boilers, pressure vessels, and hot water
23 tanks under RCW 70.79.080(10).

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