

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1312

59th Legislature
2005 Regular Session

Passed by the House February 28, 2005
Yeas 89 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 4, 2005
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1312** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1312

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Representatives Wood, Condotta and Linville

Read first time 01/20/2005. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the boilers and unfired pressure vessels law;
2 amending RCW 70.79.080, 70.79.090, 70.79.160, 70.79.190, 70.79.320, and
3 70.79.170; adding a new section to chapter 70.79 RCW; and repealing RCW
4 70.79.360.

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

6 **Sec. 1.** RCW 70.79.080 and 1999 c 183 s 3 are each amended to read
7 as follows:

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

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

13 (2) Unfired pressure vessels meeting the requirements of the
14 interstate commerce commission for shipment of liquids or gases under
15 pressure;

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

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

- 1 (5) Unfired pressure vessels having a volume of five cubic feet or
2 less when not located in places of public assembly;
- 3 (6) Unfired pressure vessels designed for a pressure not exceeding
4 fifteen pounds per square inch gauge (~~when not located in place of~~
5 ~~public assembly~~));
- 6 (7) Tanks used in connection with heating water for domestic and/or
7 residential purposes;
- 8 (8) Boilers and unfired pressure vessels in cities having
9 ordinances which are enforced and which have requirements equal to or
10 higher than those provided for under this chapter, covering the
11 installation, operation, maintenance and inspection of boilers and
12 unfired pressure vessels;
- 13 (9) Tanks containing water with no air cushion and no direct source
14 of energy that operate at a temperature of one hundred thirty degrees
15 Fahrenheit or less;
- 16 (10) Electric boilers:
- 17 (a) Having a tank volume of not more than one and one-half cubic
18 feet;
- 19 (b) Having a maximum allowable working pressure of (~~eighty~~) one
20 hundred pounds per square inch or less, with a pressure relief system
21 to prevent excess pressure; and
- 22 (c) If constructed after June 10, 1994, constructed to American
23 society of mechanical engineers code, or approved or otherwise
24 certified by a nationally recognized or recognized foreign testing
25 laboratory or construction code, including but not limited to
26 Underwriters Laboratories, Edison Testing Laboratory, or Instituto
27 Superiore Per La Prevenzione E La Sicurezza Del Lavoro;
- 28 (11) Electrical switchgear and control apparatus that have no
29 external source of energy to maintain pressure and are located in
30 restricted access areas under the control of an electric utility;
- 31 (12) Regardless of location, unfired pressure vessels and hot water
32 heaters less than one and one-half cubic feet (11.25 gallons) in volume
33 with a safety valve setting of one hundred fifty pounds per square inch
34 gauge (psig) or less, or less than six inches in diameter and less than
35 five cubic feet (37.5 gallons) in volume with a safety valve set at any
36 pressure, or less than fifteen psig containing substances other than
37 steam, lethal substances, or liquids with low flash points.

1 **Sec. 2.** RCW 70.79.090 and 1999 c 183 s 4 are each amended to read
2 as follows:

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

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

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

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

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

17 (5) Approved pressure vessels (hot water heaters, hot water storage
18 tanks, hot water supply boilers, and hot water heating boilers listed
19 by a nationally recognized testing agency), with approved safety
20 devices including a pressure relief valve, with a nominal water
21 containing capacity of one hundred twenty gallons or less having a heat
22 input of two hundred thousand b.t.u.'s per hour or less, used for hot
23 water supply at pressure of one hundred sixty pounds per square inch or
24 less, and at temperatures of two hundred ten degrees Fahrenheit or
25 less: PROVIDED, HOWEVER, That such pressure vessels are not installed
26 in schools, child care centers, public and private hospitals, nursing
27 and boarding homes, churches, public buildings owned or leased and
28 maintained by the state or any political subdivision thereof, and
29 assembly halls;

30 (6) Unfired pressure vessels containing only water under pressure
31 for domestic supply purposes, including those containing air, the
32 compression of which serves only as a cushion or airlift pumping
33 systems, when located in private residences or in apartment houses of
34 less than six families, or in public water systems as defined in RCW
35 70.119.020;

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

1 **Sec. 3.** RCW 70.79.160 and 1999 c 183 s 8 are each amended to read
2 as follows:

3 Each company employing special inspectors shall, within thirty days
4 following each internal or external boiler or unfired pressure vessel
5 inspection made by such inspectors, file a report of such inspection
6 with the chief inspector upon appropriate forms. (~~Reports of external~~
7 ~~inspections shall not be required except when such inspections disclose~~
8 ~~that the boiler or unfired pressure vessel is in dangerous condition.~~)

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

11 (1) No person, firm, partnership, corporation, or other entity may
12 install or maintain any standards that violate this chapter. In cases
13 where the interpretation and application of the installation or
14 maintenance standards prescribed in this chapter is in dispute, the
15 board shall determine the methods of installation or maintenance to be
16 used in the particular case submitted for its decision. To appeal the
17 board's decision, a person, firm, partnership, corporation, or other
18 entity shall, in writing, notify the chief boiler inspector. The
19 notice shall specify the ruling or interpretation desired and the
20 contention of the person, firm, partnership, corporation, or other
21 entity as to the proper interpretation or application on the question
22 on which a decision is desired.

23 (2) Any person, firm, partnership, corporation, or other entity
24 wishing to appeal a penalty issued under this chapter may appeal to the
25 board. The appeal shall be filed within twenty days after service of
26 the notice of the penalty to the assessed party by filing a written
27 notice of appeal with the chief boiler inspector. The hearing and
28 review procedures shall be conducted by the board in accordance with
29 chapter 34.05 RCW.

30 **Sec. 5.** RCW 70.79.190 and 1951 c 32 s 20 are each amended to read
31 as follows:

32 A person whose commission has been suspended or revoked shall be
33 entitled to an appeal as provided in (~~RCW 70.79.360~~) section 4 of
34 this act and to be present in person and/or represented by counsel on
35 the hearing of the appeal.

1 **Sec. 6.** RCW 70.79.320 and 1986 c 97 s 2 are each amended to read
2 as follows:

3 (1) It shall be unlawful for any person, firm, partnership, or
4 corporation to operate under pressure in this state a boiler or unfired
5 pressure vessel, to which this chapter applies, without a valid
6 inspection certificate as provided for in this chapter.

7 (2) The department may assess a penalty against a person violating
8 a provision of this chapter. The penalty shall be not more than five
9 hundred dollars. Each day that the violation continues is a separate
10 violation and is subject to a separate penalty.

11 (3) The department may not assess a penalty until it adopts rules
12 describing the method it will use to calculate penalties for various
13 violations.

14 (4) The department shall notify the violator of its action, and the
15 reasons for its action, in writing. The department shall send the
16 notice by certified mail to the violator that a hearing may be
17 requested under (~~RCW 70.79.360~~) section 4 of this act. The hearing
18 shall not stay the effect of the penalty.

19 **Sec. 7.** RCW 70.79.170 and 1951 c 32 s 18 are each amended to read
20 as follows:

21 Examinations for (~~chief~~) deputy(~~)~~ or special inspectors shall
22 be in writing and shall be held by the chief and a member of the board,
23 or by at least two (~~members of the board~~) national board commissioned
24 inspectors. Such examinations shall be confined to questions the
25 answers to which will aid in determining the fitness and competency of
26 the applicant for the intended service. In case an applicant for an
27 inspector's appointment or commission fails to pass the examination, he
28 may appeal to the board for another examination which shall be given by
29 the (~~board~~) chief within ninety days. The record of an applicant's
30 examination shall be accessible to said applicant and his employer.

31 NEW SECTION. **Sec. 8.** RCW 70.79.360 (Appeal from orders or acts)
32 and 1951 c 32 s 36 are each repealed.

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