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**SUBSTITUTE SENATE BILL 5694**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senator King)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to a statewide boiler operator certification;  
2 amending RCW 70.79.030, 70.79.040, 70.79.090, and 70.79.110; adding  
3 new sections to chapter 70.79 RCW; creating a new section; repealing  
4 RCW 70.79.050; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there are only  
7 three jurisdictions that regulate the safe operation of boilers by  
8 certified boiler operators. The national board of boiler and pressure  
9 vessel inspectors has advised that trained boiler operators are  
10 essential to avoiding potential risks to personnel, the public, and  
11 property.

12 The national board stated that "The primary concern in the  
13 operation of boilers, regardless of pressure or type, is safety. Too  
14 often, automatic features lead owners and the general public to  
15 believe that the equipment will function without worker oversight,  
16 maintenance, operation, and repair. A boiler can fail regardless of  
17 its level of automation and a boiler failure can lead to catastrophic  
18 results. Even the automatic controls must be properly maintained and  
19 tested at specific intervals to keep them functioning properly."

20 The legislature further finds that ensuring boiler safety is  
21 critical and the best way to achieve this goal is through the

1 unification of the existing certification and training expectations  
2 for the entire state to ensure portability of the certification and  
3 that the workers in this field possess the necessary skills,  
4 training, and abilities for the safe operation, maintenance, and  
5 repair of boilers. This act is intended not to create a drastically  
6 new system, but to utilize the currently recognized certification  
7 programs for certification of all workers. A worker who retains  
8 certification from any jurisdiction having the authority, and  
9 approved by the board, to administer an approved boiler operator  
10 certification program is intended to be considered appropriately  
11 certified and compliant with this act. The role of the department of  
12 labor and industries is intended to be to enforce that these  
13 certification requirements are complied with.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.79  
15 RCW to read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Board" means the board of boiler rules established pursuant  
19 to RCW 70.79.010.

20 (2) "Department" means the department of labor and industries.

21 **Sec. 3.** RCW 70.79.030 and 1999 c 183 s 2 are each amended to  
22 read as follows:

23 The board shall formulate definitions and rules for the safe and  
24 proper construction, installation, repair, use, and operation of  
25 boilers (~~and for~~), the safe and proper construction, installation,  
26 and repair of unfired pressure vessels in this state, and for  
27 certification of boiler operators. The definitions and rules so  
28 formulated shall be based upon, and, at all times, follow the  
29 nationally or internationally accepted engineering standards,  
30 formulae, and practices established and pertaining to boiler and  
31 unfired pressure vessel construction and safety, and the board may by  
32 resolution adopt existing published codifications thereof, and when  
33 so adopted the same shall be deemed incorporated into, and to  
34 constitute a part or the whole of the definitions and rules of the  
35 board. Amendments and interpretations to the code shall be  
36 enforceable immediately upon being adopted, to the end that the  
37 definitions and rules shall at all times follow nationally or  
38 internationally accepted engineering standards. However, all rules

1 adopted by the board shall be adopted in compliance with the  
2 (~~Administrative Procedure Act~~) administrative procedure act,  
3 chapter 34.05 RCW, as now or hereafter amended.

4 **Sec. 4.** RCW 70.79.040 and 1951 c 32 s 4 are each amended to read  
5 as follows:

6 (1) The board shall promulgate rules and regulations for the safe  
7 and proper installation, repair, use, and operation of boilers, and  
8 for the safe and proper installation and repair of unfired pressure  
9 vessels which were in use or installed ready for use in this state  
10 prior to the date upon which the first rules and regulations under  
11 this chapter pertaining to existing installations became effective,  
12 or during the (~~twelve months~~) 12-month period immediately  
13 thereafter.

14 (2) The board shall adopt rules necessary to implement a  
15 certification program for boiler operators who operate and maintain  
16 boilers. Initial rules adopted under this subsection must take effect  
17 on January 1, 2028.

18 **Sec. 5.** RCW 70.79.090 and 2021 c 65 s 67 are each amended to  
19 read as follows:

20 The following boilers and unfired pressure vessels shall be  
21 exempt from the requirements of RCW 70.79.220 (~~and~~), 70.79.240  
22 through 70.79.330, and sections 7 through 12 of this act:

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

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

28 (3) Steam boilers used exclusively for heating purposes carrying  
29 a pressure of not more than (~~fifteen~~) 15 pounds per square inch  
30 gauge and which are located in private residences or in apartment  
31 houses of less than six families;

32 (4) Hot water heating boilers carrying a pressure of not more  
33 than (~~thirty~~) 30 pounds per square inch and which are located in  
34 private residences or in apartment houses of less than six families;

35 (5) Approved pressure vessels (hot water heaters, hot water  
36 storage tanks, hot water supply boilers, and hot water heating  
37 boilers listed by a nationally recognized testing agency), with  
38 approved safety devices including a pressure relief valve, with a

1 nominal water containing capacity of (~~one hundred twenty~~) 120  
2 gallons or less having a heat input of (~~two hundred thousand~~  
3 ~~b.t.u.'s per hour~~) 200,000 Btu/h or less, at pressure of (~~one~~  
4 ~~hundred sixty~~) 160 pounds per square inch or less, and at  
5 temperatures of (~~two hundred ten~~) 210 degrees Fahrenheit or less:  
6 PROVIDED, HOWEVER, That such pressure vessels are not installed in  
7 schools, child care centers, public and private hospitals, nursing  
8 homes, assisted living facilities, churches, public buildings owned  
9 or leased and maintained by the state or any political subdivision  
10 thereof, and assembly halls;

11 (6) Unfired pressure vessels containing only water under pressure  
12 for domestic supply purposes, including those containing air, the  
13 compression of which serves only as a cushion or airlift pumping  
14 systems, when located in private residences or in apartment houses of  
15 less than six families, or in public water systems as defined in RCW  
16 70A.120.020;

17 (7) Unfired pressure vessels containing liquefied petroleum  
18 gases.

19 **Sec. 6.** RCW 70.79.110 and 1951 c 32 s 11 are each amended to  
20 read as follows:

21 The chief inspector, if authorized by the director of the  
22 department (~~of labor and industries~~) is hereby charged, directed  
23 and empowered:

24 (1) To cause the prosecution of all violators of the provisions  
25 of this chapter;

26 (2) To issue, or to suspend, or revoke for cause, inspection  
27 certificates as provided for in RCW 70.79.290;

28 (3) To take action necessary for the enforcement of the laws of  
29 the state governing the use of boilers and unfired pressure vessels  
30 and of the rules and regulations of the board;

31 (4) To keep a complete record of the type, dimensions, maximum  
32 allowable working pressure, age, condition, location, and date of the  
33 last recorded internal inspection of all boilers and unfired pressure  
34 vessels to which this chapter applies;

35 (5) To publish and distribute, among manufacturers and others  
36 requesting them, copies of the rules and regulations adopted by the  
37 board.

38 (6) To issue, suspend, or revoke for cause boiler operator  
39 certifications issued under this chapter.

1        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 70.79  
2    RCW to read as follows:

3        (1)    The department, with consent of the board, shall prepare  
4    examinations to be administered to applicants for boiler operator  
5    certification. The examination must be constructed to determine:

6        (a)    Whether the applicant possesses varied knowledge of the  
7    technical information and practical procedures that are identified  
8    with the level boiler operation; and

9        (b)    Whether the applicant is familiar with the applicable  
10   national and international codes, this chapter, and the  
11   administrative rules of the department pertaining to boiler operation  
12   and general maintenance.

13       (2)    The department may enter into a contract with a nationally  
14   recognized testing agency to develop, administer, and score any  
15   examinations required by this section. All applicants must, before  
16   taking an examination, pay the required examination fee. The  
17   department shall set the examination fee by contract with a  
18   nationally recognized testing agency, if applicable. The fee must  
19   cover, but not exceed, the costs of preparing and administering the  
20   examination and the materials necessary to conduct the practical  
21   elements of the examination. The department shall approve training  
22   courses for examinations provided by this section.

23       (3)    The department shall certify the results of the examinations  
24   and must notify the applicant in writing whether the applicant has  
25   passed or failed. Any applicant who has failed the examination may  
26   retake the examination pursuant to the terms set by the board in  
27   rule. The board may not limit the number of times a person may take  
28   the examination.

29       (4)    The board must establish by rule the acceptable experience  
30   levels and requirements necessary for an applicant to be eligible to  
31   take the boiler operator certification examinations subject to the  
32   following:

33       (a)    For a grade I boiler operator certification, the applicant  
34   must furnish to the department evidence of qualification that the  
35   applicant has:

36       (i)    An aggregate of five years' experience operating high or low  
37   pressure boiler plants, or equivalent experience;

38       (ii)   Attended a recognized school of technology and has an  
39   aggregate of three years' experience operating high or low pressure  
40   boiler plants or equivalent experience; or

1 (iii) Attended a recognized training program and has an aggregate  
2 of four years' experience operating high or low pressure boiler  
3 plants or equivalent experience.

4 (b) For a grade II boiler operator certification, the applicant  
5 must furnish to the department evidence of qualification that the  
6 applicant has:

7 (i) An aggregate of four years' experience operating high or low  
8 pressure boiler plants, or equivalent experience;

9 (ii) Attended a recognized school of technology and has an  
10 aggregate of two years' experience operating high or low pressure  
11 boiler plants or equivalent experience; or

12 (iii) Attended a recognized training program and has an aggregate  
13 of three years' experience operating high or low pressure boiler  
14 plants or equivalent experience.

15 (c) For a grade III boiler operator certification, the applicant  
16 must furnish to the department evidence of qualification that the  
17 applicant has:

18 (i) An aggregate of three years' experience operating high or low  
19 pressure boiler plants or equivalent experience;

20 (ii) Attended a recognized school of technology and has an  
21 aggregate of one year experience operating high or low pressure  
22 boiler plants or equivalent experience; or

23 (iii) Attended a recognized training program and has an aggregate  
24 of two years' experience operating high or low pressure boiler plants  
25 or equivalent experience.

26 (d) For a grade IV boiler operator certification, the applicant  
27 must furnish to the department evidence of qualification that the  
28 applicant has:

29 (i) An aggregate of one year of experience operating high or low  
30 pressure boiler plants or equivalent experience;

31 (ii) Attended a recognized school of technology and has an  
32 aggregate of 80 hours observation experience operating high or low  
33 pressure boiler plants or equivalent experience; or

34 (iii) Attended a recognized training program and has an aggregate  
35 of 120 hours observation experience operating high or low pressure  
36 boiler plants or equivalent experience.

37 (e) For a grade V boiler operator certification, the applicant  
38 must furnish evidence of qualification of examination as required by  
39 the department.

1 (5) The board shall, by rule, establish the requisite level, not  
2 less than eight hours every four years, of continuing education units  
3 required for renewal of boiler operator certification.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 70.79  
5 RCW to read as follows:

6 (1) A city performing certification of boiler operators within  
7 its jurisdiction may continue the administration of its boiler  
8 operator certification program if it:

9 (a) Has adopted ordinances with requirements equal to, or higher  
10 than, the requirements for the operation of boilers and the  
11 certification of boiler operators established in this chapter; and

12 (b) Actively enforces the ordinances adopted under (a) of this  
13 subsection.

14 (2) After the adoption of rules by the board relating to boiler  
15 operator certification, as required in section 4 of this act, and  
16 until January 1, 2029, a boiler operator certification obtained from  
17 any city covered under subsection (1) of this section has the same  
18 force and effect as the state boiler operator certification and  
19 allows the holder of the certification to perform boiler operator  
20 work in this state. However, this subsection does not prohibit a city  
21 covered under subsection (1) of this section from requiring its own  
22 boiler operator certificate within its jurisdiction.

23 (3) The board shall adopt rules for the removal of city  
24 certification programs that do not adhere to the requirements of this  
25 chapter and the rules adopted by the board.

26 (4) This chapter does not limit any city's authority to charge  
27 fees necessary to implement a program under subsection (1) of this  
28 section.

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

31 No examination may be required of any applicant for a certificate  
32 of competency who, on December 31, 2027, was engaged in a bona fide  
33 business or trade of boiler operation and maintenance, held a valid  
34 certificate or license issued by a political subdivision of the  
35 state, and whose certification was valid at the time of making the  
36 application for the certificate. To qualify for state certification  
37 without passing the state examination, applicants qualifying under  
38 this section must apply by October 1, 2028. Applicants qualifying

1 under this section shall be issued a certification by the department  
2 upon making an application as provided in the rules adopted by the  
3 board.

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

6 (1) The department may grant temporary boiler operator permits in  
7 lieu of certificates of competency whenever a boiler operator coming  
8 into the state of Washington from another state requests from the  
9 department a temporary permit to engage in the trade of boiler  
10 operation as a certified boiler operator during the period of time  
11 between filing an application for a boiler operator certificate and  
12 taking the examination provided for in section 7 of this act.

13 (2) The temporary permit may include a photograph of the boiler  
14 operator.

15 (3) No temporary permit may be issued to:

16 (a) Any person who has failed to pass the examination for a  
17 certificate of competency; or

18 (b) Any applicant under this section who has not furnished the  
19 department with the required evidence of experience or education  
20 required under section 7 of this act.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 70.79  
22 RCW to read as follows:

23 (1) The department may revoke or suspend a boiler operator  
24 certification for any of the following reasons:

25 (a) The certification was obtained through error or fraud;

26 (b) The certificate holder is judged to be incompetent to carry  
27 on the trade of boiler operation and maintenance at the level of  
28 boiler operation identified on the holder's certification;

29 (c) The certificate holder has violated any provision of this  
30 chapter or any rule adopted under this chapter.

31 (2) Before a boiler operator certification is revoked or  
32 suspended, the department shall send written notice using a method by  
33 which the mailing can be tracked or the delivery confirmed to the  
34 certificate holder's last known address. The notice must list the  
35 allegations against the certificate holder and give the certificate  
36 holder the opportunity to request, within 20 days of receiving the  
37 notice, a hearing before the board. At the hearing, the department  
38 and the certificate holder may produce witnesses and give testimony.



1 The hearing must be conducted in accordance with chapter 34.05 RCW.  
2 The board shall render its decision based upon the testimony and  
3 evidence presented and shall notify the parties immediately upon  
4 reaching its decision. A majority of the board is necessary to render  
5 a decision.

6 (3) The department may deny renewal of a boiler operator  
7 certification issued under this chapter if the applicant for renewal  
8 owes outstanding penalties for a final judgment under this chapter.  
9 The department shall notify the applicant of the denial using a  
10 method by which the mailing can be tracked or the delivery confirmed  
11 to the address on the application. Applicants may appeal the denied  
12 renewal of a boiler operator certification to the board. The appeal  
13 must be filed within 20 days after service of the notice of the  
14 denied renewal to the applicant by filing a written notice of appeal  
15 with the chief boiler inspector. The hearing and review procedures  
16 shall be conducted by the board in accordance with chapter 34.05 RCW.

17 (4) The department shall immediately suspend the boiler operator  
18 certificate of a person who has been certified pursuant to RCW  
19 74.20A.324 by the department of social and health services as a  
20 person who is not in compliance with a support order. If the person  
21 has continued to meet all other requirements for reinstatement during  
22 the suspension, reissuance of the certificate shall be automatic upon  
23 the department's receipt of a release issued by the department of  
24 social and health services stating that the licensee is in compliance  
25 with the order.

26 NEW SECTION. **Sec. 12.** A new section is added to chapter 70.79  
27 RCW to read as follows:

28 (1) It is unlawful for any person, firm, partnership,  
29 corporation, or other entity to operate a boiler covered under this  
30 chapter without a valid boiler operator certification.

31 (2) The department may assess a penalty against a person, firm,  
32 partnership, corporation, or other entity violating a provision of  
33 this chapter. The penalty shall be not more than \$500. Each day that  
34 the violation continues is a separate violation and is subject to a  
35 separate penalty.

36 (3) The department may not assess a penalty under this section  
37 until the board adopts rules related to the method it uses to  
38 calculate penalties for violations of boiler operator requirements.

1 (4) The department must notify the violator of its action, and  
2 the reasons for its action, in writing. The department must send the  
3 notice to the violator using a method by which the mailing can be  
4 tracked or the delivery confirmed. A hearing may be requested under  
5 RCW 70.79.361. The hearing shall not stay the effect of the penalty.

6 NEW SECTION. **Sec. 13.** A new section is added to chapter 70.79  
7 RCW to read as follows:

8 Sections 7 through 12 of this act do not apply to individuals  
9 employed by an owner or operator of a refinery engaged in activities  
10 described in code 324110, 325199, or 325110 of the North American  
11 industry classification system.

12 NEW SECTION. **Sec. 14.** RCW 70.79.050 (Rules and regulations—  
13 Effect) and 1951 c 32 s 5 are each repealed.

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