

## CHAPTER 45-12-02 ADMINISTRATION

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### **45-12-02-01. Inspection reports to be submitted.**

1. **Power boilers.** Each authorized inspection agency or owner/user inspection organization, to which a special inspector commission has been issued, shall submit to the chief boiler inspector complete data of each high pressure boiler insured or inspected by it or covered by a written inspection agreement. A complete report of each boiler inspection must be filed electronically with the chief boiler inspector on form SFN 10706 within fifteen days of inspection.
2. **Low pressure, hot water heating, and hot water supply boilers.** Within one year from effective date of this article, each authorized inspection agency or owner/user inspection organization shall submit to the chief boiler inspector complete data of each boiler insured or inspected by it or covered by a written inspection agreement. A complete report of each boiler inspection must be filed electronically with the chief boiler inspector on form SFN 10706 within fifteen days of inspection.

**History:** Effective June 1, 1994; amended effective January 1, 2006; April 1, 2010; January 1, 2016.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

### **45-12-02-02. Insurance companies and other authorized inspection agencies to notify the chief inspector of new, canceled, or suspended risks.**

Each insurance company or other authorized inspection agency shall notify the chief inspector within thirty days of each boiler insured, covered by a written inspection agreement, canceled, not renewed, or suspended because of unsafe conditions.

**History:** Effective June 1, 1994; amended effective January 1, 2006.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-03. Insurance companies and other authorized inspection agencies to notify the chief inspector of defective boilers and boiler accidents.**

If a special inspector, upon the first inspection of a boiler, finds that the boiler or any of the appurtenances are in such condition that the inspector's company refuses insurance or the boiler does not comply with the provisions of this article, the company shall submit a report of the defects to the chief inspector. When an accident occurs to an insured boiler or to a boiler covered by a written inspection agreement which requires major repairs as defined in subsection 20 of section 45-12-01-01, or which results in the boiler being removed from service, that accident must be reported to the chief boiler inspector within thirty days of the insuring or inspecting company first becoming aware of the accident.

**History:** Effective June 1, 1994; amended effective January 1, 2006.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-04. Owner/user inspection organizations making own inspections.**

The chief inspector will not be required to inspect boilers in any establishment owned and operated by an owner/user inspection organization provided an annual boiler inspection program is established and maintained by such organization and all boilers and appurtenances are constructed, installed, operated, and repaired in accordance with the provisions of this article. When boilers are inspected by an employee of an owner/user inspection organization, such inspector must hold a certificate of competency or a commission issued by North Dakota or a state that has adopted the American Society of Mechanical Engineers Code. A complete report of each boiler inspection must be filed electronically with the chief inspector on form SFN 10706 within fifteen days of inspection.

**History:** Effective June 1, 1994; amended effective January 1, 2006; January 1, 2016.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-05. Defective conditions disclosed at time of external inspections.**

If upon an external inspection there is evidence of a leak or crack, enough of the covering of the boiler must be removed to satisfy the inspector, in order that the inspector may determine the safety of the boiler. If the covering cannot be removed at that time, the inspector may order the operation of the boiler stopped until the covering can be removed and proper examination can be made.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-06. Owner or user to notify the chief inspector in case of accident.**

When an accident occurs which requires major repairs as defined in subsection 20 of section 45-12-01-01, the owner or user shall immediately notify the chief inspector and submit a detailed report of the accident. In case of an explosion, notice must be given immediately by telephone, telegraph, or messenger and the parts of the boiler may not be removed or disturbed before an inspection has been made by an inspector, unless for the purpose of saving human life or property.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

#### **45-12-02-07. Operating without a certificate of inspection.**

The owner or user who causes a boiler to be operated after inspections without possessing a valid certificate of inspection is subject to the penalty under North Dakota Century Code section 26.1-22.1-11.

**History:** Effective June 1, 1994; amended effective January 1, 2000.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

#### **45-12-02-08. Validity of inspection certificate for boilers.**

A certificate of inspection, issued in accordance with this article, is valid until expiration unless some defect or condition affecting the safety of the boiler is disclosed and if all inspection fees have been paid. A certificate of inspection is valid for the following time periods:

1. Thirty-six months for power boilers over one hundred thousand pounds [45359.24 kilograms] of steam per hour as allowed by North Dakota Century Code section 26.1-22.1-07.
2. Twelve months for steam traction engines.
3. Twelve months for all other power boilers.
4. Thirty-six months for hot water heating and hot water supply boilers.
5. Twenty-four months for low pressure steam boilers.

A certificate issued for a boiler inspected by a special inspector is valid only if the boiler for which it was issued continues to be insured by a duly authorized insurance company, covered by a written inspection agreement with an authorized inspection agency, or inspected by an accredited owner/user inspection organization. A two-month grace period must be extended for any certificate.

**History:** Effective June 1, 1994; amended effective January 1, 2000; January 1, 2006; January 1, 2016.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

#### **45-12-02-09. Restamping boilers.**

When the stamping on a boiler becomes indistinct, the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler must be made to the chief inspector and proof of the original stamping must accompany the request before authorization by the chief inspector. Restamping authorized by the chief inspector may be done only by an inspector, and must be identical with the original stamping, except that it is not required to restamp the American Society of Mechanical Engineers Code symbol. Notice of completion of such restamping must be filed with the chief inspector by the inspector who stamped the boiler or pressure vessel, together with a facsimile of the stamping.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

#### **45-12-02-10. Condemned boilers and condemned pressure vessels.**

Any boiler having been inspected and declared unsafe by the chief inspector or the inspector's deputy must be stamped by the inspector with the letter X and the letters ND as shown on the following facsimile which will be designated a condemned boiler: XX ND XX.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-11. Owner and installer to notify chief boiler inspector of boilers to be installed in North Dakota or brought into North Dakota for temporary use.**

1. The owner shall notify the chief boiler inspector before any new or secondhand boiler may be operated in North Dakota, giving its location and operating pressure.
2. The installer shall notify the chief boiler inspector before any new or secondhand boiler may be installed in North Dakota, giving its location and operating pressure.
3. The owner shall notify the chief boiler inspector of boilers removed from location, junked, or sold.
4. The owner shall notify the chief boiler inspector within fifteen days of removing a boiler from its location as to whether it has been junked or sold. If it has been sold, the name and address of the purchaser must be given.
5. When a boiler is brought into the state on a temporary basis and is to be removed from the state, a notice must be given as to the date it will be removed from North Dakota.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-12. Owner to notify the chief boiler inspector of businesses closed or reopened.**

1. It is the responsibility of the owner of a building complex or owner of a boiler to notify the chief boiler inspector of plans to discontinue use of a boiler due to business being permanently closed.
2. If a business is destroyed by fire, flood, or windstorm, the owner shall notify the chief boiler inspector as to plans developed for the disposition of the boiler.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-13. Removal of used boilers from the state.**

When a nonportable standard boiler located in this state is moved to another state for use or repair, the owner shall apply to the chief boiler inspector before the boiler may be reinstalled in North Dakota.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-14. Nonstandard boilers.**

A nonstandard boiler used in this state, if moved outside of the state, cannot be reinstalled in this state without permission of the chief boiler inspector.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

#### **45-12-02-15. Installing used or secondhand boilers.**

Before a used or secondhand boiler may be installed in this state, an inspection must be made by an inspector. (Note: It is recommended that before a used or secondhand boiler is shipped for installation or operation in this state, that it be inspected by a North Dakota inspector, or by a national board commissioned inspector, and data submitted by the inspector filed by the buyer or owner or user with the chief boiler inspector for the chief inspector's approval. Otherwise hardships may be encountered should the boiler be condemned after installation.)

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

#### **45-12-02-16. Reinstalled boilers.**

When a stationary boiler is moved and reinstalled, the fittings and appliances must comply with all requirements for new installations.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

#### **45-12-02-17. Reporting repairs to be made.**

1. The owner or person in charge of a boiler repair shop making major repairs to a boiler shall notify the chief boiler inspector of each major repair or alteration to be made to a boiler, and the anticipated repair must be approved before work is started; or
2. If the boiler is insured, covered by a written inspection agreement with an authorized inspection agency, or owned by an owner/user inspection organization, the special inspector may authorize the repair. After such repairs are made, they are subject to the approval of an inspector.

**History:** Effective June 1, 1994; amended effective January 1, 2006.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

#### **45-12-02-18. Reports of welded repair or alterations.**

All alterations and major repairs made to boilers in North Dakota must be reported on the appropriate national board form. The completed form must be sent to the chief boiler inspector by the repair concern effecting the repair or alteration within thirty days of the completion of the repair or alteration.

Subject to the administrative procedures of the boiler inspection program and the approval of the inspector, repairs of a routine nature may be given prior approval and the requirement for the repair stamping may be waived. The National Board Inspection Code must be used as a guideline in determining repairs of a routine nature.

**History:** Effective June 1, 1994; amended effective October 1, 2002; January 1, 2014.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-19. Stamping of boilers.**

1. Every boiler built for use in North Dakota must conform in every detail to the boiler laws and rules of North Dakota. When correctly constructed in accordance with these laws and rules it must be stamped with a state stamp of North Dakota and assigned a state number.
2. A boiler may not be operated in North Dakota unless it is stamped with the American society of mechanical engineers stamp and registered with the national board or can qualify for a North Dakota stamp. A request for a North Dakota stamp must be accompanied by a manufacturer's data report with supporting evidence that the boiler meets all requirements of the laws of North Dakota.
3. Upon completion of the installation, all boilers must be inspected by an inspector. Initial certificate inspections may only be made by the chief inspector or deputy inspectors. At the time of this inspection, each boiler must be stamped with a serial number of North Dakota preceded by the letters N.D. The letters and figures must not be less than five-sixteenths inch [7.94 millimeters] in height. If construction will not permit stamping, a numbered metal tag must be attached in a conspicuous place. The stamping may not be concealed by lagging or paint and must be exposed at all times.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-20. Welders' requirements.**

1. Any person welding on new or existing boilers shall register with the chief boiler inspector sufficient data to show a satisfactory performance qualification test for American society of mechanical engineers position "6G" or equivalent. This data must be documented on a current American society of mechanical engineers section IX "QW-484" form. Tests of welded specimens must be made by a certified testing laboratory.
2. In lieu of the above requirements, a firm in possession of a valid American society of mechanical engineers certificate of authorization for new boiler construction or a valid national board "R" certificate of authorization for repairing or altering existing boilers may allow welder's qualifications to be audited by the chief boiler inspector at the chief boiler inspector's discretion. The welders must be qualified according to the requirements of American Society of Mechanical Engineers Boiler and Pressure Vessel Code, section IX.

**History:** Effective June 1, 1994; amended effective April 1, 1996.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-21. Alterations of boilers.**

Alterations, as defined in this article, must be made by a firm in possession of a valid national board "R" certificate of authorization, with alterations included within its scope of activity.

**History:** Effective June 1, 1994.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14

**45-12-02-22. Major repairs to boilers.**

Major repairs, as defined in this article, must be made by:

1. A firm in possession of a valid national board "R" certificate of authorization for the type of vessel to be repaired; or
2. A firm authorized by the commissioner to do repairs to boilers. Such authorization may only be issued upon a successful review of that firm's repair capabilities by the chief inspector. Such a review must be based on the National Board Inspection Code and must be made on a frequency determined by the chief inspector. Such authorization may be revoked or not renewed by the chief inspector for cause.

The requirements of this section are effective December 1, 1994.

**History:** Effective June 1, 1994; amended effective January 1, 2006.

**General Authority:** NDCC 26.1-22.1-14

**Law Implemented:** NDCC 26.1-22.1-14