

HOUSE BILL NO. 1143

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to amend and reenact sections 26.1-22.1-07, 26.1-22.1-08, 26.1-22.1-09, and
2 26.1-22.1-10 of the North Dakota Century Code, relating to fees for inspection of boilers.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 26.1-22.1-07 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **26.1-22.1-07. Inspection of boilers.**

- 7 1. The chief boiler inspector shall inspect each boiler used or proposed to be used
8 within this state. The inspection must be thorough as to the construction,
9 installation, condition, and operation as provided by the rules adopted to implement
10 this chapter. An exempt boiler may be inspected by the chief boiler inspector when
11 the owner, the owner's agent, or the user of the boiler makes written request for
12 inspection to the commissioner.
- 13 2. Each boiler of one hundred thousand pounds [45359.24 kilograms] per hour or
14 more capacity, used or proposed to be used within this state, which has internal
15 continuous water treatment under the direct supervision of a graduate engineer or
16 chemist, or one having equivalent experience in the treatment of boiler water
17 where the water treatment is for the purpose of controlling and limiting serious
18 corrosion and other deteriorating factors, and with respect to which boiler the chief
19 boiler inspector has determined that the owner or user has complied with the
20 prescribed recordkeeping requirements, must be inspected at least once every
21 thirty-six months internally while not under pressure, and at least once every twelve
22 months externally while under pressure. If a hydrostatic test is necessary to
23 determine the safety of a boiler, the test must be conducted by the owner or user of
24 the equipment under the supervision of the chief boiler inspector. The owner or

1 user of a boiler of one hundred thousand pounds [45359.24 kilograms] per hour or
2 more capacity desiring to qualify for thirty-six month internal inspection intervals
3 shall keep available for examination by the chief boiler inspector accurate records
4 showing the date and actual time the boiler is out of service and the reason or
5 reasons therefor, and the results of the chemical and physical analysis of the boiler
6 water, whether from laboratory analysis of samples taken at regular intervals of not
7 more than forty-eight hours or from continuous on-line analysers, that will
8 adequately show the condition of the water and any other elements or
9 characteristics of the water capable of producing corrosion or other deterioration of
10 the boiler or its parts.

- 11 ~~3.~~ In the event an inspection discloses deficiencies in equipment or in operating
12 procedures, inspections may be required once every twelve months.

13 **SECTION 2. AMENDMENT.** Section 26.1-22.1-08 of the North Dakota Century Code
14 is amended and reenacted as follows:

15 **26.1-22.1-08. Special inspector.**

- 16 1. Upon written request of the employer, the commissioner may appoint as a special
17 inspector an inspector in the employ of any insurance company authorized to
18 insure boilers in this state against loss from explosion or any self-insured company
19 that has employees for the purpose of inspecting its own boilers in this state. No
20 person may be appointed as a special inspector unless that person has passed the
21 examination prescribed by the national board of boiler and pressure vessel
22 inspectors.
- 23 2. Every inspection made by a special inspector must be performed in accordance
24 with this chapter and a complete report of the inspection must be filed with the
25 commissioner in the time, manner, and form as prescribed by the commissioner.
- 26 3. If a complete report is not filed with the commissioner within ninety days from the
27 certificate due date, the chief boiler inspector may make the required inspection,
28 unless extensions of time are granted by the chief boiler inspector. For that
29 inspection, the insurance company or self-insured company shall pay all
30 appropriate inspection fees in accordance with section 26.1-22.1-09 for a special
31 inspection.

4. The chief boiler inspector may inspect any boiler to which a special inspection applies.

5. The commissioner may, for cause, suspend or revoke the appointment of any special inspector.

SECTION 3. AMENDMENT. Section 26.1-22.1-09 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22.1-09. Inspection and certificate fees. Upon completion of inspection, the owner or user of a boiler ~~inspected by the chief boiler inspector~~ shall pay to the commissioner fees or a combination of inspection and certificate fees which must be determined by the commissioner. Inspection fees must be determined by the commissioner. Certificate fees are determined by section 26.1-22.1-10. The commissioner must determine and may annually adjust a fee scale for the internal inspections of power boilers, internal inspections of low pressure heating boilers, external inspections of all boilers, and inspection of boilers used exclusively for exhibition purposes.

Not more than one hundred fifty dollars may be charged or collected for any one inspection of a boiler except for special inspections made upon request. Not more than seventy-five dollars may be charged or collected for any one inspection of a steam traction engine except for special inspections made upon request. All other inspections made by the chief boiler inspector, including shop inspections and reviews and special inspections when requested by the owner or user of a boiler, must be charged at a rate not to exceed ~~two~~ three hundred ~~eighty-five~~ fifty dollars per day or ~~one~~ two hundred ~~fifty~~ dollars per half day of four hours or less, plus payment for mileage, meals, and hotel expenses as allowed by sections 44-08-04 and 54-06-09, except that the mileage rate for a state-owned vehicle will be the actual amount incurred by the commissioner. The annual fee for the issuance of a reciprocal commission card for a special inspector is ~~twenty~~ twenty-five dollars and the annual fee for the issuance of a welder-qualified card is ten dollars.

SECTION 4. AMENDMENT. Section 26.1-22.1-10 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22.1-10. Certificate of inspection - Certificate to be posted. The commissioner shall issue a certificate of inspection for each boiler inspected upon receipt of an inspection report certifying that the boiler is in a safe condition to be operated. The commissioner shall

1 charge a fee of ~~fifteen~~ twenty dollars for each certificate of inspection issued as the result of
2 inspections authorized under ~~section~~ sections 26.1-22.1-07 and 26.1-22.1-08. The fees are the
3 liability of the ~~insurance company owner or self-insured company user~~ and must be paid in
4 accordance with rules adopted by the commissioner. No certificate may be issued for any
5 boiler not in a safe condition to be operated or for a boiler for which the inspection and
6 certificate fees have not been paid in full. No certificate is valid for a period of more than
7 thirty-six months for power boilers described in subsection 2 of section 26.1-22.1-07, and no
8 more than twelve months for other power boilers, twenty-four months for steam traction
9 engines, and thirty-six months for low pressure boilers except that a two-month grace period
10 may be extended for any certificate. Upon written request from a special inspector, the chief
11 boiler inspector may issue a short-term certificate. Each certificate of inspection must be
12 posted conspicuously under glass in the boiler room or adjacent to the boiler inspected.