

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3151

 By: Coody of the House

5 and

6 Paxton of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to labor; amending 40 O.S. 2011,
11 Section 141.9, which relates to the Boiler and
12 Pressure Vessel Safety Act; providing exemption to
 liability for certain circumstances; providing
 exception; and providing an effective date.

13
14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 40 O.S. 2011, Section 141.9, is
17 amended to read as follows:

18 Section 141.9 A. 1. Certificates of competency designating
19 special inspectors of boilers and pressure vessels shall be issued
20 by the Commissioner upon request of any authorized inspection
21 agency, which has been licensed or registered by the appropriate
22 authority of this state. All such authorized inspection agencies
23 shall provide boiler and pressure vessel insurance coverage and be
24 actively engaged in writing this type coverage in this state;

1 2. Before receiving a certificate of competency, each inspector
2 shall receive a passing grade on the examination provided for by
3 Section ~~10~~ 141.10 of this ~~act~~ title, or shall hold a commission or
4 certificate of competency as an inspector of boilers or pressure
5 vessels from a state that has a standard of examination equal to
6 that of this state, or a commission as an inspector of boilers and
7 pressure vessels issued by the National Board of Boiler and Pressure
8 Vessel Inspectors;

9 3. Special inspectors shall not receive any salary or expenses
10 from this state, and a certificate of competency shall be valid only
11 as long as such special inspectors are in full-time employment of an
12 authorized inspection agency;

13 4. Special inspectors may inspect all boilers and pressure
14 vessels insured by their respective authorized inspection agency;
15 and

16 5. The inspections required pursuant to the Boiler and Pressure
17 Vessel Safety Act that are conducted incidental to the issuance or
18 renewal of boiler and machinery insurance shall not subject an
19 insurer, whether domestic or foreign, its agents or its employees to
20 liability for damages for any act or omission in the course of
21 performing inspections as provided by this section. This section
22 shall not apply if the gross negligence of the insurer, its agent or
23 its employee created the condition that was the proximate cause of
24 the injury, death or loss; and

1 6. The insurance company shall apply on or before January 31 of
2 each year for renewal of certificates of competency for each special
3 inspector employed who inspects boilers and pressure vessels insured
4 in this state. The fee must accompany application.

5 B. 1. Certificates of competency designating owner-user
6 inspectors of boilers or pressure vessels or both shall be issued by
7 the Commissioner upon request of any company operating boilers or
8 pressure vessels or both in this state. The owner-user shall
9 maintain a regularly established inspection department which is
10 under the supervision of one or more technically competent
11 individuals whose qualifications and whose organization and
12 inspection procedures are in accordance with paragraph 4 of
13 subsection A of Section ~~3~~ 141.3 of this ~~act~~ title and acceptable to
14 the Commissioner of Labor. Boilers and pressure vessels shall be
15 inspected regularly and in accordance with applicable provisions of
16 the rules and regulations adopted by the Commissioner pursuant to
17 this act;

18 2. Before receiving a certificate of competency, each inspector
19 shall attain a passing grade on the examination provided for by
20 Section ~~10~~ 141.10 of this ~~act~~ title, or shall hold a certificate of
21 competency as an inspector from a state that has a standard of
22 examination equal to that of this state, or who holds a valid
23 commission issued in accordance with the constitution and bylaws of
24 the National Board of Boiler and Pressure Vessel Inspectors;

1 3. A certificate of competency as an owner-user inspector shall
2 be issued only if, in addition to meeting the requirements in
3 paragraph 2 of this subsection, the inspector is continuously
4 employed by the company and is responsible for making inspection of
5 boilers and pressure vessels used by such company;

6 4. Owner-user inspectors shall not receive any salary or
7 expenses from this state and a certificate of competency shall be
8 valid only as long as such owner-user inspector is employed full
9 time by a qualified owner-user inspection agency, in accordance with
10 the applicable provisions of the rules and regulations adopted
11 pursuant to this act;

12 5. The owner-user inspection agency will apply on or before
13 January 31 of each year for renewal of competency for each owner-
14 user inspector employed in this state. The fee must accompany
15 application; and

16 6. Such owner-user inspectors may inspect all pressure vessels
17 operated by their respective companies and, when so inspected, the
18 owners and users of such pressure vessels shall be exempt from the
19 payment to the state of the inspection fees provided for in Section
20 ~~16~~ 141.16 of this ~~act~~ title.

21 SECTION 2. This act shall become effective November 1, 2018.

22
23 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
24 02/27/2018 - DO PASS, As Coauthored.