

An Act

ENROLLED HOUSE
BILL NO. 3151

By: Coody of the House

and

Paxton of the Senate

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

SUBJECT: Boiler and Pressure Vessel Safety Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

2. Before receiving a certificate of competency, each inspector shall receive a passing grade on the examination provided for by Section ~~14~~ 141.10 of this ~~act~~ title, or shall hold a commission or certificate of competency as an inspector of boilers or pressure vessels from a state that has a standard of examination equal to that of this state, or a commission as an inspector of boilers and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors~~+~~.

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

4. Special inspectors may inspect all boilers and pressure vessels insured by their respective authorized inspection agency~~†~~ and.

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

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

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

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

3. A certificate of competency as an owner-user inspector shall be issued only if, in addition to meeting the requirements in paragraph 2 of this subsection, the inspector is continuously employed by the company and is responsible for making inspection of boilers and pressure vessels used by such company~~7~~.

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

5. The owner-user inspection agency will apply on or before January 31 of each year for renewal of competency for each owner-user inspector employed in this state. The fee must accompany application~~7~~ and.

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

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

Passed the House of Representatives the 6th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____