



Sub. H.B. 344

124th General Assembly
(As Passed by the General Assembly)

Reps. Calvert, Schmidt, Manning, Hartnett, Barrett, Flannery, Hagan, Distel, D. Miller, Rhine, Fedor, Collier, Kilbane, Lendrum, Carmichael, Carey, Setzer, Buehrer, Faber, Coates, Aslanides, Cates, Webster, Carano, Patton, Cirelli, Latell, Trakas, Williams, Flowers, G. Smith, Oakar, Otterman, Latta

Sens. Herington, Amstutz, Blessing, Coughlin, Mumper, Spada

Effective date: *

ACT SUMMARY

- Prohibits the operation of a historical boiler in public unless the historical boiler bears a current, valid certificate of operation and is operated by an operator licensed under the act.
- Creates a seven-member Historical Boilers Licensing Board and specifies the Board's duties.
- Establishes licensing requirements for operators of historical boilers that are operated in public.
- Establishes inspection requirements and procedures for obtaining a certificate of operation for historical boilers that are operated in public.

CONTENT AND OPERATION

Background

Under continuing law, unchanged by the act, the Board of Building Standards is required to adopt rules under the Administrative Procedure Act to

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

ensure the safety of steam boilers and unfired pressure vessels. Historical steam boilers of riveted construction that are preserved, restored, or maintained for hobby or demonstration use are exempt from the standard inspection requirements of the Boiler Inspection Law, but the Board may require that those historical boilers be equipped with appliances to ensure their safe operation. The act retains this existing exemption from the standard inspection provisions of the Boiler Inspection Law, while establishing a different means of regulating publicly operated historical steam boilers and their operators.

Historical Boilers Licensing Board

(secs. 4104.33 and 4104.34)

The act creates the Historical Boilers Licensing Board (hereafter, the "Board") consisting of seven members, three of whom must be appointed by the Governor with the advice and consent of the Senate. The Governor must make initial appointments to the Board within 90 days after the act's effective date. The term length of initial members appointed by the Governor are staggered between three to five years, and thereafter, office terms are five years. Of the three members the Governor appoints, one must be an employee of the Division of Boiler Inspection in the Department of Commerce, one must be an independent mechanical engineer who is not involved in selling or inspecting historical boilers, and one must be an active member of an association that represents managers of fairs or festivals.

Two members of the Board must be appointed by the President of the Senate and two members of the Board must be appointed by the Speaker of the House of Representatives. The President and Speaker must make initial appointments to the Board within 90 days after the act's effective date. The term length of initial members appointed by the President and Speaker are staggered between three to five years, and thereafter, office terms are five years. Each member appointed by the President and Speaker must own a historical boiler and also have at least ten years of experience in the operation of historical boilers. Each of these four members must reside in a different region of the state.

The act includes standard provisions concerning term length, reappointment, and the filling of vacancies. Board members receive their actual and necessary expenses incurred in the discharge of their duties as members. The Board, annually, must elect, by majority vote, a Chairperson from among its members. The Board must meet at least once annually and at the call of the Chairperson. The act requires the Superintendent of the Division of Industrial Compliance to furnish office space, staff, and supplies to the Board as the Superintendent determines are necessary for the Board to carry out its official duties.

The Board must adopt rules concerning all of the following:

- (1) Criteria that inspectors of historical boilers must utilize in determining the safe operation of historical boilers;
- (2) Procedures for the inspection of historical boilers;
- (3) Standards for riveted or welded repairs or alterations made to historical boilers;
- (4) Standards and procedures for the revocation of a historical boiler operator's license, which must include an opportunity for appeal and hearing in accordance with the Administrative Procedure Act;
- (5) Standards for requalifying for a license after revocation of a license;
- (6) Standards and procedures for conducting hydrostatic tests, and requirements for reporting the results of those tests to the Board;
- (7) Standards for the public display and operation of historical boilers in Ohio by historical boiler operators who reside outside of Ohio. (Sec. 4104.34(A).)

The act also requires the Board to do all of the following:

- (1) Issue triennial certificates of operation for historical boilers that pass the inspections required by the act;
- (2) Conduct hearings in accordance with the Administrative Procedure Act for any person who appeals a decision made by an inspector regarding whether the person should be denied a certificate of operation for the person's historical boiler;
- (3) Establish a fee for the inspection of historical boilers in an amount sufficient to reimburse the Department of Commerce for the cost of conducting those inspections;
- (4) Reimburse the Department of Commerce for the cost of inspections performed by the Division of Boiler Inspection;
- (5) Issue licenses to operate historical boilers in public to persons who meet the licensure requirements established by the act;
- (6) Grant approval of historical boiler operator's courses as the Board determines appropriate;
- (7) Grant approval of written or verbal examinations that are developed to test competence in operating historical boilers;



(8) Determine the smallest size of historical boilers that are subject to the act;

(9) Establish the inspection criteria for historical boilers based upon the manufacturing standards for safe operation that are established by the various manufacturers of historical boilers;

(10) Appoint safety committees to conduct the hydrostatic tests required by the act (see "*Hydrostatic tests conducted by appointed safety committees,*" below);

(11) Establish requirements for the minimum amount of liability insurance that an owner of historical boilers must carry on each historical boiler owned by the owner that is operated in public, if the Board determines that a minimum amount should be established.

Prohibition against public operation without required license and certificate

(secs. 4104.32 and 4104.37)

The act prohibits people from operating a historical boiler in a place that is open to the public unless both of the following requirements are satisfied:

(1) The person operating the historical boiler is licensed under the act;

(2) The owner of the historical boiler holds a current, valid certificate of operation for the historical boiler. This prohibition, however, does not apply to the operation of historical boilers that are smaller than the size determined by the Board, as described in (8) immediately above. Additionally, those small historical boilers do not have to be inspected.

Obtaining a license to operate historical boilers in public

(sec. 4104.35)

Under the act, any person may apply to the Board to become licensed to operate historical boilers in public and the Board must issue a license to any person who satisfies the following criteria:

(1) Is age 16 or older;

(2) Has completed a historical boiler operator's course that is approved by the Board;

(3) Passes a written or verbal examination that is approved by the Board and that tests for competence in operating historical boilers;



(4) Has at least 100 hours of actual operating experience or training in the operation of historical boilers.

A person who satisfies the criteria described above must pay a one-time fee of \$50 for the issuance of a license. The license is valid for the lifetime of the operator unless the license is revoked by the Board.

In order to obtain the training required for licensure, the act permits persons under age 16 to be trained in the operation of historical boilers by serving as apprentices to licensed operators.

The act requires the Board to revoke a license in accordance with rules the Board adopts. A person whose license is revoked may requalify for licensure if the person satisfies the criteria the Board establishes by rule.

Certificate of operation for historical boilers operated in public

(sec. 4104.36)

The act requires the owner of a historical boiler that is operated in public to maintain a current, valid certificate of operation for the historical boiler. The certificate is obtained after inspection and approval of the historical boiler, as described below.

Under the act, at least once every three years, inspectors designated by the Chief of the Division of Boiler Inspection in the Department of Commerce must inspect thoroughly, internally and externally, and under operating conditions, all publicly operated historical boilers and their appurtenances. Inspectors must examine the smoke box, barrel, wrapped sheet, dome, water column and water glass, firebox, external plumbing, fusible plug, pressure relief valve, and pressure gauge.

After conducting an inspection, the inspector is required by the act to evaluate whether the historical boiler is in safe operating condition according to rules adopted by the Board. If the inspector finds that a historical boiler is in safe operating condition, the inspector must recommend that the Board issue a certificate of operation for the historical boiler. If the Board concurs with the recommendation of the inspector, the Board must issue a certificate of operation for the historical boiler. A certificate of operation is valid for a period of three years after the date of issuance. The act requires the owner of a historical boiler that is operated in public to display the certificate of operation in a prominent place on the historical boiler during its operation.

If an inspector does not recommend the issuance of a certificate of operation for a historical boiler or if the Board decides not to issue a certificate of

operation, the owner of the historical boiler may file an appeal with the Board, and the Board must conduct a hearing in accordance with the Administrative Procedure Act.

Hydrostatic tests conducted by appointed safety committees

(sec. 4104.36(F))

At least once every three years, a safety committee appointed by the Board is required by the act to conduct a hydrostatic test at one and one-quarter of the maximum allowable working pressure on all historical boilers assigned by the board for testing by that safety committee. The safety committee must submit the results of each hydrostatic test to the Board in accordance with rules adopted by the Board.

Grandfather provision

(Section 2)

The act requires the Board to issue a license to an operator of historical boilers who has been engaged in operating historical boilers in public for at least two years before the act's effective date if the operator passes the written or verbal examination approved by the Board that tests for competence in operating historical boilers and pays a one-time fee of \$50 for the issuance of the license.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced Reported, H. Commerce & Labor	08-21-01 10-31-01	p. 819 p. 1072
Passed House (96-0) Reported, S. Insurance, Commerce, & Labor	10-31-01 05-29-02	p. 1073 p. 1843
Passed Senate (33-0) Concurrence (93-0)	05-29-02 05-30-02	p. 1847 p. 1873

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