



Sub. H.B. 344*

124th General Assembly

(As Reported by S. Insurance, Commerce, and Labor)

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

BILL 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 bill.
- Creates the Historical Boiler Licensing Board.
- Establishes licensing requirements for operators of historical boilers.
- Establishes inspection requirements for historical boilers.
- Establishes procedures for obtaining a certificate of operation for historical boilers.

CONTENT AND OPERATION

Background

Under current law, unchanged by the bill, the Board of Building Standards is required to adopt rules under the Administrative Procedure Act to ensure the safety of steam boilers and unfired pressure vessels. The Board's rules cover the construction, installation, inspection, repair, energy conservation, and operation of boilers and the construction, inspection, and repair of unfired pressure vessels. A

* *This analysis was prepared before the report of the Senate Insurance, Commerce, and Labor Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

boiler that is subject to the Boiler Inspection Law (R.C. Chapter 4104.) may not be operated until an appropriate certificate of operation has been issued by the Superintendent of the Division of Industrial Compliance in the Department of Commerce. Historical steam boilers of riveted construction that are preserved, restored, or maintained for hobby or demonstration use are exempt from the 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 bill 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 bill 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 bill'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 member must be an employee of the Division of Boiler Inspection in the Department of Commerce, one member 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 bill'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 bill includes standard provisions concerning term length, reappointment, and the filling of vacancies. The bill specifies that 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 bill 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 bill 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 bill;

(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 bill;



(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 bill;

(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 bill (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 operated in public by that owner, 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 bill 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 bill;

(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)

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 bill permits persons under age 16 to be trained in the operation of historical boilers by serving as apprentices to licensed operators.

The Board must 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 bill 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.

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 shall 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 must 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 bill 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 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 bill 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 bill'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	09-19-01	p. 819
Reported, H. Commerce & Labor	10-31-01	p. 1072
Passed House (96-0)	10-31-01	p. 1073
Reported, S. Insurance, Commerce, & Labor	---	---

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