

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 11-1050

BY REPRESENTATIVE(S) Soper, Casso, Fields, Fischer, Labuda, Lee, Pace, Todd, Tyler, Vigil, Wilson;  
also SENATOR(S) Tochtrop.

CONCERNING BOILER INSPECTION REGULATION BY THE DIVISION OF OIL AND  
PUBLIC SAFETY.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 9-4-101 (5), Colorado Revised Statutes, is amended, and the said 9-4-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**9-4-101. Definitions.** As used in this article, unless the context otherwise requires:

(2.5) "CHIEF BOILER INSPECTOR" MEANS THE PERSON APPOINTED BY THE DIRECTOR TO OVERSEE THE BOILER INSPECTION SECTION CREATED IN SECTION 9-4-102.

(5) "Director" means the director of ~~boiler inspection and is synonymous with the term "chief boiler inspector"~~ THE DIVISION OF OIL AND PUBLIC SAFETY OR HIS OR HER DESIGNEE.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** 9-4-102, Colorado Revised Statutes, is amended to read:

**9-4-102. Boiler inspection section - created - director - chief boiler inspector - inspectors - qualifications.** (1) ~~The executive director of the department of labor and employment, pursuant to article XII, section 13, of the constitution of the state of Colorado, shall appoint a director of the boiler inspection section, hereby created under the division of oil and public safety, and such inspectors as are necessary to carry out the provisions of this article. The director of~~ MAY APPOINT A CHIEF boiler INSPECTOR TO OVERSEE THE BOILER inspection SECTION, WHICH IS HEREBY CREATED IN THE DIVISION OF OIL AND PUBLIC SAFETY. ~~THE CHIEF BOILER INSPECTOR and each STATE boiler inspector shall~~ MUST be qualified from practical experience in the construction, maintenance, repair, or operation of boilers as a mechanical or safety engineer, steam engineer, boilermaker, or boiler inspector of not less than five years' actual experience to enable him or her to judge the safety of boilers for use as such. Neither the ~~director of~~ CHIEF boiler ~~inspection~~ INSPECTOR nor any STATE boiler inspector shall be interested directly or indirectly in the manufacture, ownership, or sale of boilers or boiler supplies.

(2) The ~~director~~ CHIEF BOILER INSPECTOR and state boiler inspectors shall be reimbursed for necessary traveling expenses as provided by law.

**SECTION 3.** 9-4-103 (1), Colorado Revised Statutes, is amended to read:

**9-4-103. Duties - rules.** (1) The director shall keep in his or her office a complete and accurate record of the names of owners or users of boilers inspected, giving a full description of the boiler, the pressure allowed, THE date when last inspected, and by whom. The director OR CHIEF BOILER INSPECTOR shall investigate and report to the division of oil and public safety the cause of any boiler explosion that ~~may occur~~ OCCURS within the state. Definitions and rules for the safe construction, installation, inspection, operation, maintenance, and repair of boilers and pressure vessels in the state of Colorado, in addition or supplemental to the existing rules, shall be formulated by the section under the direction of the ~~director of~~ CHIEF boiler ~~inspection~~ INSPECTOR and shall become effective upon approval by the director. ~~of the division of oil and public safety.~~

**SECTION 4.** 9-4-107 (2) and (3), Colorado Revised Statutes, are amended to read:

**9-4-107. Certificate.** (2) An inspection certificate ~~which has been issued authorizing use of a boiler on the basis of inspection by a special boiler inspector shall become invalid when the boiler ceases to be insured by the insurance company by which said special boiler inspector was employed at the time of inspection. Certificates which are issued upon the basis of inspection by state boiler inspectors shall remain~~ IS valid for the period stated on the face of the certificate.

(3) The certificate of inspection OR A COPY OF THE CERTIFICATE OF INSPECTION shall be posted ~~under glass~~ in the room containing the boiler inspected or, in the case of a portable boiler, shall be kept in a metal container to be fastened to said THE boiler. Failure to properly exhibit ~~such~~ THE certificate of inspection ~~shall~~ WILL result in another inspection of the boiler and demand for inspection fees.

**SECTION 5.** 9-4-109 (2), Colorado Revised Statutes, is amended to read:

**9-4-109. Fees for boiler and pressure vessel inspection certificates.** (2) The section may prorate the ~~annual~~ boiler inspection ~~certificate~~ fees. ~~in quarterly periods.~~ Twenty-five percent of the ~~annual certificate~~ INSPECTION fee shall be charged for a period up to ~~three months~~ AND INCLUDING TWENTY-FIVE PERCENT OF THE CERTIFICATE TERM. Fifty percent of the ~~annual~~ inspection ~~certificate~~ fee shall be charged for periods ~~in the fourth, fifth, and sixth months~~ UP TO AND INCLUDING FIFTY PERCENT OF THE CERTIFICATE TERM. Seventy-five percent of the ~~annual~~ inspection ~~certificate~~ fee shall be charged for periods ~~in the seventh, eighth, and ninth months~~ UP TO AND INCLUDING SEVENTY-FIVE PERCENT OF THE CERTIFICATE TERM. The full fee shall be charged for periods ~~from the tenth month on~~ EXCEEDING SEVENTY-FIVE PERCENT OF THE CERTIFICATE TERM.

**SECTION 6. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within

such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO