

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 11-0195.02 Kristen Forrestal

HOUSE BILL 11-1050

HOUSE SPONSORSHIP

Soper,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Economic and Business Development

Senate Committees

Business, Labor and Technology

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The definition of "director" is changed from chief boiler inspector to the director of the division of oil and public safety (division) and conforming amendments are made throughout the article. The bill makes all inspection certificates valid for the period specified on the face of the certificate. Changes are also made to the way that inspection fees may be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unam ended
February 17, 2011

HOUSE
3rd Reading Unam ended
February 3, 2011

HOUSE
2nd Reading Unam ended
February 2, 2011

collected on a pro rata basis. Current law allows the division to prorate annual boiler inspection fees on a quarterly basis. The bill allows the division to prorate the boiler inspection fees based on the percentage of each period of a certificate term. The change will accommodate certificate terms that are longer than one year.

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

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

5 **9-4-101. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (2.5) "CHIEF BOILER INSPECTOR" MEANS THE PERSON APPOINTED
8 BY THE DIRECTOR TO OVERSEE THE BOILER INSPECTION SECTION CREATED
9 IN SECTION 9-4-102.

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

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

15 **9-4-102. Boiler inspection section - created - director - chief**
16 **boiler inspector - inspectors - qualifications.** (1) The ~~executive~~
17 ~~director of the department of labor and employment, pursuant to article~~
18 ~~XII, section 13, of the constitution of the state of Colorado, shall appoint~~
19 ~~a director of the boiler inspection section, hereby created under the~~
20 ~~division of oil and public safety, and such inspectors as are necessary to~~
21 carry out the provisions of this article. The director of MAY APPOINT A
22 CHIEF boiler INSPECTOR TO OVERSEE THE BOILER inspection SECTION,
23 WHICH IS HEREBY CREATED IN THE DIVISION OF OIL AND PUBLIC SAFETY.

1 THE CHIEF BOILER INSPECTOR and each STATE boiler inspector ~~shall~~ MUST
2 be qualified from practical experience in the construction, maintenance,
3 repair, or operation of boilers as a mechanical or safety engineer, steam
4 engineer, boilermaker, or boiler inspector of not less than five years'
5 actual experience to enable him or her to judge the safety of boilers for
6 use as such. Neither the ~~director of CHIEF boiler inspection~~ INSPECTOR nor
7 any STATE boiler inspector shall be interested directly or indirectly in the
8 manufacture, ownership, or sale of boilers or boiler supplies.

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

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

14 **9-4-103. Duties - rules.** (1) The director shall keep in his or her
15 office a complete and accurate record of the names of owners or users of
16 boilers inspected, giving a full description of the boiler, the pressure
17 allowed, THE date when last inspected, and by whom. The director OR
18 CHIEF BOILER INSPECTOR shall investigate and report to the division of oil
19 and public safety the cause of any boiler explosion that ~~may occur~~
20 OCCURS within the state. Definitions and rules for the safe construction,
21 installation, inspection, operation, maintenance, and repair of boilers and
22 pressure vessels in the state of Colorado, in addition or supplemental to
23 the existing rules, shall be formulated by the section under the direction
24 of the ~~director of CHIEF boiler inspection~~ INSPECTOR and shall become
25 effective upon approval by the director. ~~of the division of oil and public~~
26 ~~safety.~~

27 **SECTION 4.** 9-4-107 (2) and (3), Colorado Revised Statutes, are

1 amended to read:

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

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

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

17 **9-4-109. Fees for boiler and pressure vessel inspection**
18 **certificates.** (2) The section may prorate the ~~annual~~ boiler inspection
19 ~~certificate~~ fees. ~~in quarterly periods.~~ Twenty-five percent of the ~~annual~~
20 ~~certificate~~ INSPECTION fee shall be charged for a period up to ~~three~~
21 ~~months~~ AND INCLUDING TWENTY-FIVE PERCENT OF THE CERTIFICATE
22 TERM. Fifty percent of the ~~annual~~ inspection ~~certificate~~ fee shall be
23 charged for periods ~~in the fourth, fifth, and sixth months~~ UP TO AND
24 INCLUDING FIFTY PERCENT OF THE CERTIFICATE TERM. Seventy-five
25 percent of the ~~annual~~ inspection ~~certificate~~ fee shall be charged for
26 periods ~~in the seventh, eighth, and ninth months~~ UP TO AND INCLUDING
27 SEVENTY-FIVE PERCENT OF THE CERTIFICATE TERM. The full fee shall be

1 charged for periods ~~from the tenth month on~~ EXCEEDING SEVENTY-FIVE
2 PERCENT OF THE CERTIFICATE TERM.

3 **SECTION 6. Act subject to petition - effective date.** This act
4 shall take effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part shall not take effect
10 unless approved by the people at the general election to be held in
11 November 2012 and shall take effect on the date of the official
12 declaration of the vote thereon by the governor.