

Date 3-29-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982



ENROLLED

HOUSE BILL No. 1575

(By Mr. Yanni + Mr. Niedelbusch)



Passed March 8, 1982

In Effect Ninety Days From Passage



ENROLLED

H. B. 1575

(By MR. YANNI and MR. WIEDEBUSCH)

[Passed March 8, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article three, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the regulation of operation of steam boilers; fees to be charged for making inspections and issuing permits.

Be it enacted by the Legislature of West Virginia:

That section seven, article three, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.

§21-3-7. Regulation of operation of steam boilers.

1 Any person owning or operating a steam boiler carrying
2 more than fifteen pounds pressure per square inch (except
3 boilers on railroad locomotives subject to inspection under
4 federal laws, portable boilers used for agricultural purposes,
5 boilers on automobiles, boilers of steam fire engines brought
6 into the state for temporary use in times of emergency for the
7 purpose of checking conflagrations, boilers used in private
8 residences which are used solely for residential purposes, any
9 sectional boilers, small portable boilers commonly used in
10 the oil and gas industry about their wells and tool houses,
11 and boilers under the jurisdiction of the United States) in this
12 state shall first obtain a permit to operate a steam boiler

13 from the commissioner of labor, or from an inspector work-
14 ing under his jurisdiction.

15 Applications for permits to operate a steam boiler must
16 be accompanied by a sworn statement made by the owner or
17 operator of such boiler, setting forth the condition of the
18 boiler and its appurtenances at which time, if the facts
19 disclosed by such statement meet the safety requirements
20 established under this article, the commissioner of labor
21 shall issue a temporary permit, which shall be valid until
22 such boiler has been inspected by a boiler inspector autho-
23 rized by the state commissioner of labor; thereupon, if the
24 boiler meets the safety requirements established under this
25 article, the commissioner of labor shall issue an annual
26 permit to operate such steam boiler: *Provided*, That boilers
27 which are insured by an insurance company operating in
28 this state and which are inspected by such insurance com-
29 pany's boiler inspector shall not be subject to inspection by
30 the state department of labor, during any twelve months'
31 period during which an inspection is made by the insurance
32 company's boiler inspector.

33 The commissioner of labor or state boiler inspector shall
34 have the authority to inspect steam boilers in this state.
35 To carry out the provisions of this section, the commissioner
36 of labor shall prescribe rules and regulations under which
37 boilers may be constructed and operated, according to their
38 class. The commissioner of labor shall be authorized to
39 revoke any permit to operate a steam boiler if the rules
40 prescribed by the commissioner of labor, or his authorized
41 representative, are violated or if a condition shall prevail
42 which is hazardous to the life and health of persons operating
43 or employed at or around the boiler. Any person or corpora-
44 tion who shall operate a steam boiler for which a permit is
45 necessary under the provisions of this section, without first
46 obtaining such permit to operate a steam boiler, shall be
47 guilty of a misdemeanor, and, upon conviction thereof, shall
48 be fined not less than one hundred dollars nor more than
49 five hundred dollars. Every day a steam boiler requiring a
50 permit to operate is operated without such permit shall be
51 considered a separate offense.

52 The commissioner may charge such fee as he determines
53 reasonable for the inspection of boilers by the department
54 of labor boiler inspector of the commissioner's authorized
55 boiler inspection agency, for the processing of inspection
56 reports from insurance companies, for issuing annual permits
57 to operate boilers and for commissioning insurance company
58 boiler inspectors. Such fees shall be established by a rule
59 promulgated in accordance with the provisions of chapter
60 twenty-nine-a of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. F. Baylor

Chairman Senate Committee

Tony E. Whitlow

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Miller

Clerk of the Senate

U. Blankenship

Clerk of the House of Delegates
Warren R. McNew

President of the Senate

W. M. Lee, Jr.

Speaker House of Delegates

The within is approved this the 29
day of March, 1982.

John R. Rhyker

Governor

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SECY. OF STATE