WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED

SENATE BILL NO. 176

(By Senator Tucker)

PASSED March 4, 1986

In Effect 90 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 and operation of steam boilers; providing criminal penalty for violation of permit requirements; fees for inspection.

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 more than fifteen pounds pressure per square inch (except boilers on railroad locomotives subject to inspection under federal laws, portable boilers used for agricultural purposes, boilers on automobiles, boilers of steam fire engines brought into the state for temporary use in times of emergency for the purpose of checking conflagrations, boilers used in private residences which are used solely for residential purposes, any sectional boilers, small portable boilers commonly used in the oil and gas industry about their wells and tool houses, and boilers under
the jurisdiction of the United States) in this state shall
first obtain a permit to operate a steam boiler from the
commissioner of labor, or from an inspector working
under his jurisdiction.

Applications for permits to operate a steam boiler must
be accompanied by a sworn statement made by the owner
or operator of such boiler, setting forth the condition of
the boiler and its appurtenances at which time, if the
facts disclosed by such statement meet the safety require-
ments established under this article, the commissioner of
labor shall issue a temporary permit, which shall be valid
until such boiler has been inspected by a boiler inspector
authorized by the state commissioner of labor; thereupon,
if the boiler meets the safety requirements established
under this article, the commissioner of labor shall issue
an annual permit to operate such steam boiler: Provided,
that boilers which are insured by an insurance company
operating in this state and which are inspected by such
insurance company's boiler inspector shall not be subject
to inspection by the state department of labor, during
any twelve months' period during which an inspection is
made by the insurance company's boiler inspector.

The commissioner of labor or state boiler inspector shall
have the authority to inspect steam boilers in this state.
To carry out the provisions of this section, the commis-
ioner of labor shall prescribe rules and regulations under
which boilers may be constructed and operated, accord-
ing to their class. The commissioner of labor shall be
authorized to revoke any permit to operate a steam boiler
if the rules prescribed by the commissioner of labor, or
his authorized representative, are violated or if a condi-
tion shall prevail which is hazardous to the life and health
of persons operating or employed at or around the boiler.
Any person or corporation who shall operate a steam boil-
er for which a permit is necessary under the provisions of
this section, without first obtaining such permit to operate
a steam boiler, shall be guilty of a misdemeanor, and,
upon conviction thereof, shall be fined not less than one
hundred dollars nor more than five hundred dollars.
Every day a steam boiler requiring a permit to operate is
operated without such permit shall be considered a separate offense.

The commissioner may charge such fee as he determines reasonable for the inspection of boilers by the department of labor boiler inspector of the commissioner's authorized boiler inspection agency, for the processing of inspection reports from insurance companies, for issuing annual permits to operate boilers and for commissioning insurance company boiler inspectors. Such fees shall be established by a rule promulgated in accordance with the provisions of chapter twenty-nine-a of this code. No fee shall be charged for the inspection of boilers used on mobile equipment or vehicles used for occasional entertainment or display purposes.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Floyd Fulks
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______________________________ this the __________

day of ________________________, 1986.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/7/86
Time 1:41 p.m.