

No: 176



WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

SENATE BILL NO. 176

(By Senator Trucker)



PASSED March 4, 1986

In Effect 90 days from Passage



ENROLLED
Senate Bill No. 176
(BY SENATOR TUCKER)

[Passed March 4, 1986; 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 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 carry-
2 ing more than fifteen pounds pressure per square inch
3 (except boilers on railroad locomotives subject to inspec-
4 tion under federal laws, portable boilers used for agricul-
5 tural purposes, boilers on automobiles, boilers of steam
6 fire engines brought into the state for temporary use in
7 times of emergency for the purpose of checking conflagra-
8 tions, boilers used in private residences which are used
9 solely for residential purposes, any sectional boilers, small
10 portable boilers commonly used in the oil and gas indus-
11 try about their wells and tool houses, and boilers under

12 the jurisdiction of the United States) in this state shall
13 first obtain a permit to operate a steam boiler from the
14 commissioner of labor, or from an inspector working
15 under his jurisdiction.

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

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

52 operated without such permit shall be considered a sepa-
53 rate offense.

54 The commissioner may charge such fee as he determines
55 reasonable for the inspection of boilers by the department
56 of labor boiler inspector of the commissioner's authorized
57 boiler inspection agency, for the processing of inspection
58 reports from insurance companies, for issuing annual per-
59 mits to operate boilers and for commissioning insurance
60 company boiler inspectors. Such fees shall be established
61 by a rule promulgated in accordance with the provisions
62 of chapter twenty-nine-a of this code. No fee shall be
63 charged for the inspection of boilers used on mobile
64 equipment or vehicles used for occasional entertainment
65 or display purposes.

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

Steve O'Sullivan
Chairman Senate Committee

Floyd Fulks
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Mills
Clerk of the Senate

Donald J. Koff
Clerk of the House of Delegates

Sam Taylor
President of the Senate

Joseph P. Allright
Speaker House of Delegates

The within *approved* this the *26th*
day of *March*, 1986.

Arthur R. Massey, Jr.
Governor



PRESENTED TO THE

GOVERNOR

Date 3/7/86

Time 1:41 p.m.

RECEIVED

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SECRETARY OF STATE
WEST VIRGINIA

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86