

No. 1988-119

AN ACT

HB 2279

Regulating the inspection and approval of antique boilers; providing for certain powers and duties of the Department of Labor and Industry; providing a penalty; and making a repeal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Antique Boiler Law.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Antique boiler.” Any closed vessel, manufactured prior to January 1, 1955, and used solely for display and demonstration purposes, in which water is heated or steam is superheated, under pressure or vacuum, for external use, by the direct application of heat from the combustion of fuels or from electricity. The term includes fired vessels, manufactured prior to January 1, 1955, and used solely for display and demonstration purposes, in which liquids other than water are heated or vaporized, where those vessels are separate from processing systems and are complete within themselves. The term also includes replicas and reproductions of such closed vessels or fired vessels, regardless of the date of construction, where the replica or reproduction is used solely for display and demonstration purposes.

“Approved.” Accepted by the department.

“ASME.” The American Society of Mechanical Engineers.

“Department.” The Department of Labor and Industry of the Commonwealth.

“Inspector.” An inspector commissioned by the National Board of Boiler and Pressure Vessel Inspectors to inspect boilers or unfired pressure vessels.

“Person.” Any individual, firm, partnership, unincorporated association, corporation or municipality. The term includes the Commonwealth.

Section 3. Applicability.

No antique boiler covered under this act shall be operated without first obtaining an operating sticker from the department, except that nothing in this act shall be construed to apply to the following:

- (1) Antique boilers under Federal jurisdiction.
- (2) Antique boilers of sizes, pressures, capacities or temperatures below limitations and conditions set forth in regulations of the department.

Section 4. Testing, inspection and approvals.**(a) Testing.—**

(1) An antique boiler shall be subjected to nondestructive testing to determine the maximum allowable working pressure. The department may require additional nondestructive testing, based on an inspection or other evidence which indicates significant change in the condition of the boiler. This test shall be performed by an ASME "S" Code stamp holder, who shall stamp the boiler with the month and year the test was performed, the maximum allowable working pressure and the "S" Code stamp holder's ASME Certificate of Authorization number.

(2) All antique boilers shall pass a hydrostatic test at one and one-quarter maximum allowable working pressure every five years, or more frequently if the department, based on an inspection or other evidence, so requires. Hydrostatic tests shall be conducted in the presence of an inspector.

(b) Inspection.—An antique boiler must be inspected annually by an inspector. The inspection shall include the following:

(1) The fusible plug.

(2) The safety valve, which must be of an approved design and must be set at the maximum allowable working pressure. The safety valve shall be sealed in a manner that does not allow tampering with the valve setting without destroying the seal.

(3) A visual examination for any evidence of corrosion.

(4) A visual examination for any evidence of leakage.

(5) The boiler power piping, up to and including the first valve.

(6) Confirmation that the testing requirements of subsection (a) have been completed.

(7) Any other requirements specified in the department's regulations.

(c) Approvals.—

(1) Upon successful completion of the inspection required in subsection (b) and payment of the fee required in section 6, the department shall approve the operation of an antique boiler. The department shall issue an operating sticker signifying this approval. This operating sticker shall be valid for a period not to exceed 13 months. The sticker shall indicate the year and month the inspection was performed and the year and month of the most recent hydrostatic test. The operating sticker shall be prominently displayed on the antique boiler.

(2) All welding performed on antique boilers shall be done in accordance with the National Board Inspection Code. The owner shall notify the department prior to commencing such alterations or repairs. The department's approval shall expire automatically if alteration or repair of the boiler which involves welding does not meet the requirements of this paragraph.

(d) Alternate approval.—An operating sticker shall not be required for an antique boiler which has a valid license, certificate or other operating permit from a state or territory whose licensing requirements have been determined by the department to meet or exceed the requirements of this act.

The department shall annually publish a list of the states whose licensing requirements meet or exceed the requirements of this act.

Section 5. Discontinuance of operation.

The department shall order the owner or operator of an antique boiler not meeting the requirements of this act to immediately cease operation and discontinue the use of such antique boiler.

Section 6. Fees.

A fee of \$25 shall be charged for inspections under section 4(b), whether or not the antique boiler passes the inspection. The department shall charge a \$5 fee for issuance of an operating sticker. Any fees owed to the department shall be paid prior to the issuance of an operating sticker. The department shall transmit fees for inspections performed by the department and for the issuance of operating stickers to the State Treasurer through the Department of Revenue.

Section 7. Transition period.

Any antique boiler covered under this act may continue in operation without complying with the provisions of this act for a period not to exceed 12 months after the effective date of this act.

Section 8. Rules and regulations.

The department shall have the power, and its duty shall be, to make, alter, amend or rescind rules and regulations to carry out the provisions of this act. Any antique boiler which is required to be inspected under this act and does not comply with those rules and regulations shall not be operated.

Section 9. Enforcement.

(a) **General rule.**—After the expiration of the transition period established in section 7, no antique boiler shall be operated for display or demonstration purposes unless it is operated in compliance with the provisions of this act and the rules and regulations of the department. It shall be the duty of the department to enforce the provisions of this act.

(b) **Procedure in prosecutions.**—Prosecutions for violations of the provisions of this act, or of the rules and regulations of the department, may be instituted by the department and shall be in the form of summary proceedings. Upon conviction after a hearing, the penalties provided in this section shall be imposed and shall be final unless an appeal is taken to a court of proper jurisdiction in the manner prescribed by law.

(c) **Penalty.**—Any person who violates this act or the rules and regulations of the department, or who fails or neglects to pay the fees provided in this act, commits a summary offense and shall, upon conviction, for the first offense be sentenced to pay a fine of not more than \$100 and costs, and for each subsequent offense be sentenced to pay a fine of not more than \$200 and costs. Any person who continues to operate an antique boiler for display and demonstration purposes after notice to discontinue its use, as set forth in section 5, shall be fined \$5 for each day the antique boiler has been so operated after the service of notice, in addition to the fines set forth in this subsection.

(d) **Fines.**—All fines collected under this act shall be forwarded to the department, which shall transmit the fines to the State Treasurer through the Department of Revenue.

Section 10. Repeals.

The act of May 2, 1929 (P.L.1513, No.451), entitled, as amended, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," is repealed insofar as it is inconsistent with this act.

Section 11. Effective date.

This act shall take effect immediately.

APPROVED—The 21st day of October, A. D. 1988.

ROBERT P. CASEY