

1 **BOILER AND ELEVATOR SAFETY**

2 **PROVISIONS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ed Mayne**

6 House Sponsor: Carl W. Duckworth

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Utah Labor Code to address the safety division.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ changes the name of the safety division; and
- 14 ▶ makes technical changes.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **34A-1-202**, as last amended by Chapter 69, Laws of Utah 2000

22 **34A-7-102**, as renumbered and amended by Chapter 375, Laws of Utah 1997

23 **34A-7-103**, as last amended by Chapter 215, Laws of Utah 1998

24 **34A-7-105**, as renumbered and amended by Chapter 375, Laws of Utah 1997

25 **34A-7-202**, as enacted by Chapter 53, Laws of Utah 1999

26

27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section 34A-1-202 is amended to read:

29 **34A-1-202. Divisions -- Creation -- Duties -- Labor Relations Board, Appeals**
30 **Board, and councils.**

31 (1) There is created within the commission the following divisions:

32 (a) the Division of Industrial Accidents that shall administer the regulatory
33 requirements of this title concerning industrial accidents and occupational disease;

34 (b) the Division of Occupational Safety and Health that shall administer the regulatory
35 requirements of Chapter 6, Utah Occupational Safety and Health Act;

36 (c) the Division of Boiler and Elevator Safety that shall administer the regulatory
37 requirements of~~[(i)]~~ Chapter 7, Safety; ~~[and]~~

38 ~~[(ii) Title 40, Chapter 2, Coal Mines;]~~

39 (d) the Division of Antidiscrimination and Labor that shall administer the regulatory
40 requirements of:

41 (i) Chapter 5, Utah Antidiscrimination Act;

42 (ii) ~~[Title 34A, Utah Labor Code,]~~ this title, when specified by statute; and

43 (iii) Title 57, Chapter 21, Utah Fair Housing Act; and

44 (e) the Division of Adjudication that shall adjudicate claims or actions brought under
45 this title.

46 (2) In addition to the divisions created under this section, within the commission are
47 the following:

48 (a) the Labor Relations Board created in Section 34-20-3;

49 (b) the Appeals Board created in Section 34A-1-205;

50 (c) the following program advisory councils:

51 (i) the workers' compensation advisory council created in Section 34A-2-107;

52 (ii) the antidiscrimination and labor advisory council created in Section 34A-5-105;

53 and

54 (iii) the occupational safety and health advisory council created in Section 34A-6-106;

55 and

56 (d) the mining certification panel created in Section 40-2-14.

57 (3) In addition to the responsibilities described in this section, the commissioner may
58 assign to a division a responsibility granted to the commission by law.

59 Section 2. Section 34A-7-102 is amended to read:

60 **34A-7-102. Standards for construction and design -- Special approved designs --**
61 **Maintenance requirements.**

62 (1) For the purposes of this part, the standards for the design and construction of a new
63 ~~[boilers]~~ boiler and new pressure ~~[vessels]~~ vessel shall be the latest applicable provisions of the
64 Boiler and Pressure Vessel Code published by the American Society of Mechanical Engineers.

65 (2) This part shall not be construed as preventing the construction and use of ~~[boilers]~~ a
66 boiler or pressure ~~[vessels]~~ vessel of special design~~[-]~~:

67 (a) subject to approval of the Division of Boiler and Elevator Safety~~[-, provided such]~~;
68 and

69 (b) if the special design provides a level of safety equivalent to that contemplated by
70 the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers.

71 (3) ~~[Boiler]~~ A boiler and pressure ~~[vessels]~~ vessel, including an existing ~~[boilers]~~ boiler
72 and pressure ~~[vessels]~~ vessel, shall be maintained in safe operating condition for the service
73 involved.

74 Section 3. Section 34A-7-103 is amended to read:

75 **34A-7-103. Annual inspection requirement -- Inspection intervals, maximum --**
76 **Insurance company inspections -- Inspection certificate -- Suspension of inspection**
77 **certificate -- Duration -- Standards of inspectors.**

78 (1) On and after July 1, 1967, each boiler used or proposed to be used within this state,
79 except boilers exempt under Section 34A-7-101, shall be thoroughly inspected:

80 (a) internally and externally~~[-]~~;

81 (b) annually, except as otherwise provided by this part~~[-]~~;

82 (c) while not under pressure~~[-]~~;

83 (d) by:

84 (i) the Division of Boiler and Elevator Safety; or ~~[by inspectors]~~

85 (ii) an inspector approved and deputized by the Division of Boiler and Elevator Safety;

86 and

87 (e) as to its safety of construction, installation, condition, and operation.

88 (2) If at any time a hydrostatic test shall be considered necessary by the Division of
89 Boiler and Elevator Safety to determine the safety of a boiler, the hydrostatic test shall be made

90 at the direction of the Division of Boiler and Elevator Safety allowing a reasonable time for
91 owner or user to comply.

92 (3) (a) Not more than 14 months shall elapse between internal inspections of [~~boilers~~] a
93 boiler, except not more than 30 months between internal inspections of a large power [~~boilers~~]
94 boiler.

95 (b) For purposes of this Subsection (3) a "large power boiler" is a boiler operated and
96 monitored continuously with adequate maintenance, combustion, and water controls.

97 (c) The Division of Boiler and Elevator Safety may extend the inspection interval in
98 writing when proper evidence has been presented as to method of operation, performance
99 records, and water treatment.

100 (4) (a) All low pressure boilers shall be internally and externally inspected at least
101 biennially where construction will permit.

102 (b) For purposes of this Subsection (4), a "low pressure boiler" is a boiler with steam
103 15 pounds per square inch pressure and water 160 pounds per square inch pressure, maximum.

104 (5) (a) [~~Boilers~~] A boiler inspected by a deputized [~~inspectors~~] inspector employed by
105 an insurance [~~companies~~] company, if made within the time limits [~~herein~~] provided in this
106 section, shall be considered to meet the provisions of this part if:

107 (i) [~~reports~~] a report of the [~~inspections-are~~] inspection is filed with the Division of
108 Boiler and Elevator Safety within 30 days after the inspection; and

109 (ii) the [~~boilers-are~~] boiler is certified by the [~~inspectors~~] inspector employed by an
110 insurance [~~companies~~] company as being safe to operate for the purpose for which [~~they-are~~] it
111 is being used.

112 (b) The inspection and filing of the report with the Division of Boiler and Elevator
113 Safety shall exempt the boiler or boilers from inspection fees provided for in this part.

114 (6) If a boiler shall, upon inspection, be found to be suitable and to conform to the rules
115 of the commission, the inspector shall issue to the owner or user an inspection certificate.

116 (7) (a) The Division of Boiler and Elevator Safety may at any time suspend an
117 inspection certificate when in its opinion the boiler for which it was issued may not continue to
118 be operated without menace to the public safety or when the boiler is found not to comply with
119 the safety rules of the commission.

120 (b) The suspension of an inspection certificate shall continue in effect until the boiler

121 shall have been made to conform to the safety rules of the commission and a new certificate is
122 issued.

123 (8) [~~Inspectors~~] An inspector deputized or employed by the Division of Boiler and
124 Elevator Safety under this part shall meet at all times nationally recognized standards of
125 qualifications of fitness and competence for such work.

126 Section 4. Section **34A-7-105** is amended to read:

127 **34A-7-105. Violation of chapter -- Misdemeanor -- Injunction.**

128 (1) It is a violation of this part and a class C misdemeanor to operate a boiler or
129 pressure vessel subject to this part if:

130 (a) certification has been denied or suspended; or

131 (b) the boiler or pressure vessel is knowingly operated while constituting a safety
132 hazard.

133 (2) (a) The Division of Boiler and Elevator Safety may bring a lawsuit in any court of
134 this state to enjoin the operation of any boiler or pressure vessel in violation of this part.

135 (b) The court may issue a temporary injunction, without bond, restraining further
136 operation of the boiler or pressure vessel, ex parte.

137 (c) Upon a proper showing, the court shall permanently enjoin the operation of the
138 boiler or pressure vessel until the violation is corrected.

139 Section 5. Section **34A-7-202** is amended to read:

140 **34A-7-202. Definitions.**

141 As used in this part:

142 (1) "Division" means the Division of Boiler and Elevator Safety within the
143 commission.

144 (2) (a) "Elevator" means a hoisting and lowering mechanism:

145 (i) equipped with a car or platform; and

146 (ii) that moves in guides in a substantially vertical direction.

147 (b) "Elevator" does not mean:

148 (i) a device used for the sole purpose of elevating or lowering materials such as:

149 (A) a dumbwaiter;

150 (B) a conveyor; or

151 (C) a chain, bucket, or construction hoist;

- 152 (ii) a tiering, piling, feeding, or similar machine giving service within only one story;
- 153 (iii) a portable platform;
- 154 (iv) a stage lift;
- 155 (v) a device installed in a single family dwelling;
- 156 (vi) a device installed in a facility owned and operated by the federal government; or
- 157 (vii) an amusement ride, as defined in Section 78-27-61.

158 (3) (a) "Escalator" means a stairway, moving walkway, or runway that is:

- 159 (i) power-driven;
- 160 (ii) continuous; and
- 161 (iii) used to transport one or more individuals.

162 (b) "Escalator" does not mean:

163 (i) a device used for the sole purpose of elevating or lowering materials such as:

- 164 (A) a dumbwaiter;
- 165 (B) a conveyor; or
- 166 (C) a chain, bucket, or construction hoist;
- 167 (ii) a device installed in a single-family dwelling;

168 (iii) a device installed in a facility owned and operated by the federal government; or

169 (iv) an amusement ride, as defined in Section 78-27-61.

170 (4) "Owner or operator" means a person who owns, controls, or has the duty to control
171 the operation of an elevator or escalator.

172 (5) "Safety code" means the one or more codes adopted by the division in accordance
173 with Subsection 34A-7-203(6) to be used in inspecting elevators and escalators.

Legislative Review Note
as of 10-11-05 9:29 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel