CHAPTER 8

LABOR AND INDUSTRY

HOUSE BILL 11-1050

BY REPRESENTATIVE(S) Soper, Casso, Fields, Fischer, Labuda, Lee, Pace, Todd, Tyler, Vigil, Wilson; also SENATOR(S) Tochtrop.

AN ACT

CONCERNING BOILER INSPECTION REGULATION BY THE DIVISION OF OIL AND PUBLIC SAFETY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 9-4-101, Colorado Revised Statutes, is amended, and the said 9-4-101 is further amended by the addition of a new subsection, to read:

9-4-101. Definitions. As used in this article, unless the context otherwise requires:

(2.5) "Chief boiler inspector" means the person appointed by the director to oversee the boiler inspection section created in section 9-4-102.

(5) "Director" means the director of boiler inspection and is synonymous with the term "chief boiler inspector" of the Division of Oil and Public Safety or his or her designee.

SECTION 2. 9-4-102, Colorado Revised Statutes, is amended to read:

9-4-102. Boiler inspection section - created - director - chief boiler inspector - inspectors - qualifications. (1) The executive director of the department of labor and employment, pursuant to article XII, section 13, of the constitution of the state of Colorado, shall appoint a director of the boiler inspection section, hereby created under the division of oil and public safety, and such inspectors as are necessary to carry out the provisions of this article. The director MAY APPOINT A CHIEF BOILER INSPECTOR TO OVERSEE THE BOILER INSPECTION SECTION, WHICH IS HEREBY CREATED.
in the Division of Oil and Public Safety. The Chief Boiler Inspector and each
State boiler inspector shall be qualified from practical experience in the
construction, maintenance, repair, or operation of boilers as a mechanical or safety
engineer, steam engineer, boilermaker, or boiler inspector of not less than five years'
actual experience to enable him or her to judge the safety of boilers for use as such.
Neither the Director of the Chief Boiler Inspector nor any State boiler inspector
shall be interested directly or indirectly in the manufacture, ownership, or
sale of boilers or boiler supplies.

(2) The director and state boiler inspectors shall be reimbursed for necessary traveling expenses as provided by law.

SECTION 3. 9-4-103 (1), Colorado Revised Statutes, is amended to read:

9-4-103. Duties - rules. (1) The director shall keep in his or her office a
complete and accurate record of the names of owners or users of boilers inspected,
giving a full description of the boiler, the pressure allowed, the date when last
inspected, and by whom. The Director of the Chief Boiler Inspector shall investigate
and report to the Division of Oil and Public Safety the cause of any boiler explosion
that may occur within the state. Definitions and rules for the safe
construction, installation, inspection, operation, maintenance, and repair of boilers
and pressure vessels in the state of Colorado, in addition or supplemental to the
existing rules, shall be formulated by the section under the direction of the Director
of the Chief Boiler Inspector and shall become effective upon approval by
the director of the Division of Oil and Public Safety.

SECTION 4. 9-4-107 (2) and (3), Colorado Revised Statutes, are amended to
read:

9-4-107. Certificate. (2) An inspection certificate which has been issued
authorizing use of a boiler on the basis of inspection by a special boiler inspector
shall become invalid when the boiler ceases to be insured by the insurance company
by which said special boiler inspector was employed at the time of inspection.
Certificates which are issued upon the basis of inspection by state boiler inspectors
shall remain valid for the period stated on the face of the certificate.

(3) The certificate of inspection or a copy of the certificate of inspection
shall be posted under glass in the room containing the boiler inspected or, in the
case of a portable boiler, shall be kept in a metal container to be fastened to the boiler. Failure to properly exhibit such the certificate of inspection shall will result in another inspection of the boiler and demand for inspection fees.

SECTION 5. 9-4-109 (2), Colorado Revised Statutes, is amended to read:

9-4-109. Fees for boiler and pressure vessel inspection certificates. (2) The
section may prorate the annual boiler inspection certificate fees in quarterly periods.
Twenty-five percent of the annual certificate fee shall be charged for a period up to three months and including twenty-five percent of the certificate term. Fifty percent of the annual inspection certificate fee shall be charged for periods in the fourth, fifth, and sixth months up to and including fifty percent of the certificate term. Seventy-five percent of the annual
inspection certificate fee shall be charged for periods in the seventh, eighth, and ninth months up to and including seventy-five percent of the certificate term. The full fee shall be charged for periods from the tenth month on exceeding seventy-five percent of the certificate term.

SECTION 6. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 9, 2011