

## CHAPTER 51

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**LABOR AND INDUSTRY**

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**HOUSE BILL 00-1091**

BY REPRESENTATIVES Taylor, Clarke, Young, Coleman, George, Hoppe, Kester, Larson, and Scott;  
also SENATORS Wattenberg, Anderson, Lamborn, Linkhart, and Reeves.

**AN ACT**

CONCERNING THE SAFE OPERATION OF PHYSICAL PROCESSES GENERATING HIGH PRESSURES, AND, IN CONNECTION THEREWITH, AMENDING REQUIREMENTS GOVERNING EXPLOSIVES AND PRESSURE VESSELS.

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

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

**9-4-103. Duties.** (3) The section, under the direction of the director, SHALL FORMULATE RULES ESTABLISHING A SCHEDULE FOR THE INSPECTION OF BOILERS AND PRESSURE VESSELS AND may formulate OTHER rules ~~and regulations for~~ GOVERNING the inspection, operation, maintenance, and repair of boilers and pressure vessels ~~which are~~ in addition and supplemental to those rules ~~and regulations which~~ THAT are part of the Colorado boiler construction code as originally enacted and amended. The rules ~~and regulations~~ so formulated shall be based upon and at all times follow the generally accepted nationwide engineering standards and may be based upon those portions of an existing published codification of such rules ~~and regulations~~ known as the inspection code of the national board of boiler and pressure vessel inspectors as are considered by the section to be properly applicable. Rules ~~and regulations~~ formulated by the section and identification of those portions of the national board inspection code which are declared to be applicable shall be made available to all persons directly affected by a publication which will be prepared and issued, upon request, to such persons by the section.

(4) Inspectors shall carefully inspect every boiler used or proposed to be used in this state for steaming, hot-water heating purposes, or hot-water supply, including all attachments and connections, ~~at least once annually and any other time as deemed necessary by an inspector or the director~~ IN ACCORDANCE WITH THE INSPECTION

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

SCHEDULE ESTABLISHED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

**SECTION 2.** Article 4 of title 9, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**9-4-106.5. Owner report boilers taken out of service.** (1) IT IS THE DUTY OF THE OWNER OR USER OF BOILERS USED IN THIS STATE, EXCEPT THOSE BOILERS EXEMPT FROM THE PROVISIONS OF THIS ARTICLE UNDER SECTION 9-4-104, TO REPORT TO THE SECTION THE LOCATION AND STATE SERIAL NUMBER OF BOILERS THAT HAVE BEEN TAKEN OUT OF SERVICE BUT NOT REMOVED FROM THE PREMISES. FOR PURPOSES OF THIS ARTICLE, A BOILER IS NOT "TAKEN OUT OF SERVICE" IF IT IS TEMPORARILY SHUT DOWN FOR ROUTINE MAINTENANCE OR MINOR REPAIRS.

(2) THE SECTION, UNDER THE DIRECTION OF THE DIRECTOR, SHALL FORMULATE RULES FOR THE SAFE REMOVAL FROM SERVICE OF BOILERS CONDEMNED PURSUANT TO SECTION 9-4-105 (3) OR VOLUNTARILY TAKEN OUT OF SERVICE BY THE OWNER OR USER.

(3) A BOILER THAT HAS BEEN CONDEMNED OR VOLUNTARILY TAKEN OUT OF SERVICE MAY BE PLACED BACK IN SERVICE, SUBJECT TO ANY APPLICABLE REQUIREMENTS FOR SATISFACTORY REPAIR, IMPOSED PURSUANT TO SECTION 9-4-105 (3), AND SUBJECT TO COMPLIANCE WITH SECTION 9-4-106. FOR PURPOSES OF SECTION 9-4-106, SUCH A BOILER SHALL BE TREATED AS A NEW BOILER.

**SECTION 3.** 9-4-109 (1) (a), Colorado Revised Statutes, is amended to read:

**9-4-109. Fees for boiler and pressure vessel inspection certificates.**

(1) (a) (I) There shall be paid for the issuance of a certificate of boiler or pressure vessel inspection of each individual boiler or pressure vessel, regardless of how it is joined or connected, according to the provisions of this article by the owner or user of said boiler or pressure vessel, such fees as shall be established by the director of the division of labor by rule; except that such fees shall not exceed the amount necessary to accumulate and maintain in the boiler inspection fund a reserve sufficient to defray the division's administrative expenses for a period of two months, and in no event shall the ~~said fees~~ BASIC FEE FOR AN ANNUAL CERTIFICATE INSPECTION exceed forty dollars ~~per inspection~~ NOR SHALL THE BASIC FEE FOR A BIENNIAL CERTIFICATE INSPECTION EXCEED EIGHTY DOLLARS. ~~Such fee set shall be a uniform fee to be paid by the owner or user of said boiler or pressure vessel. The division will~~ SHALL not charge ~~any expenses for annual inspections in addition to the forty-dollar fee~~ AN INSPECTION OTHER THAN TO ASSESS THE FEES ESTABLISHED PURSUANT TO THIS SUBSECTION (1). ANY FEES ESTABLISHED PURSUANT TO SUBPARAGRAPH (III) OR (IV) OF THIS PARAGRAPH (a) OR PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE IN ADDITION TO THE BASIC FEE.

(II) THE DIVISION SHALL CONDUCT AN INVENTORY OF THE BOILERS IN THE STATE THAT ARE SUBJECT TO THIS ARTICLE AND SHALL REPORT THE RESULTS OF SUCH INVENTORY, ON OR BEFORE NOVEMBER 1, 2000, TO THE LEGISLATIVE AUDIT COMMITTEE FOR THE PURPOSE OF OBTAINING APPROVAL TO ADOPT A RANGE OF BASIC FEES THAT WILL TAKE INTO ACCOUNT THE TYPE, SIZE, AND USE OF THE BOILER OR PRESSURE VESSEL BEING INSPECTED, WHETHER THE INSPECTION IS INTERNAL OR EXTERNAL, AND WHETHER THE BOILER OR PRESSURE VESSEL IS INSURED BY AN

## AUTHORIZED INSPECTION ORGANIZATION.

(III) IN ADDITION TO THE BASIC FEE ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE DIVISION MAY ASSESS A REINSPECTION FEE FOR ANY BOILER CONDEMNED PURSUANT TO SECTION 9-4-105 (3). THE REINSPECTION FEE SHALL BE ASSESSED AND COLLECTED FOR EACH REINSPECTION UNTIL THE REPAIRS ARE DEEMED SATISFACTORY IN ACCORDANCE WITH SECTION 9-4-105 (3).

(IV) IN ADDITION TO THE BASIC FEE ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE DIVISION MAY ASSESS A DISCONNECTION INSPECTION FEE.

**SECTION 4.** 9-7-107, Colorado Revised Statutes, is amended to read:

**9-7-107. Fees.** An application for INITIAL ISSUANCE OR RENEWAL OF a THIRTY-SIX-MONTH permit under this article shall be accompanied by a fee of ~~twenty-five~~ SEVENTY-FIVE dollars; except that the director of the division by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the director of the division by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

**SECTION 5.** 9-7-108, Colorado Revised Statutes, is amended to read:

**9-7-108. Issuance of permit - renewal.** Permits issued under this article shall be valid for ~~the calendar year~~ UP TO THIRTY-SIX MONTHS after the date of issue unless sooner revoked or suspended. PERMITS MAY BE ISSUED ON A CONDITIONAL BASIS, SUBJECT TO REVOCATION OR SUSPENSION BASED ON THE OCCURRENCE OR NONOCCURRENCE OF AN EVENT SPECIFIED BY THE DIVISION. Permits may be renewed on ~~each anniversary~~ OR BEFORE THEIR EXPIRATION date upon the payment of the required fee. ~~of twenty-five dollars; except that the director of the division by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the director of the division by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.~~

**SECTION 6.** Article 7 of title 9, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**9-7-108.3. Transition to three-year permits - repeal.** (1) NOTWITHSTANDING SECTION 9-7-107, ON OR BEFORE JULY 1, 2000, THE DIVISION SHALL SELECT AT RANDOM ONE-THIRD OF THE HOLDERS OF CURRENT PERMITS UNDER THIS ARTICLE TO RECEIVE, ON OR BEFORE THE EXPIRATION DATE OF THEIR CURRENT PERMITS, A ONE-YEAR PERMIT UPON PAYMENT OF A FEE OF TWENTY-FIVE DOLLARS, ANOTHER ONE-THIRD OF SUCH PERMIT HOLDERS TO RECEIVE A TWO-YEAR PERMIT UPON PAYMENT OF A FEE OF FIFTY DOLLARS, AND THE REMAINDER OF SUCH PERMIT HOLDERS TO RECEIVE A THREE-YEAR PERMIT UPON PAYMENT OF A FEE OF SEVENTY-FIVE DOLLARS. ON OR BEFORE THE EXPIRATION DATE OF THE ONE- AND TWO-YEAR PERMITS DESCRIBED IN THIS SECTION, THE HOLDERS THEREOF MAY APPLY

FOR THREE-YEAR PERMITS UPON PAYMENT OF A FEE OF SEVENTY-FIVE DOLLARS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE ANY OTHERWISE APPLICABLE REQUIREMENT OR CONDITION UPON THE GRANTING OF A PERMIT UNDER THIS ARTICLE.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2002.

**SECTION 7.** 34-24-103 (1) and (5) (a), Colorado Revised Statutes, are amended, and the said 34-24-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**34-24-103. Explosives and diesel permits - fund - repeal.** (1) (a) It is unlawful for any operator to store, transport, or use explosives without first obtaining a permit from the office of active and inactive mines. Such permit shall be nontransferable, shall be valid until the end of the ~~calendar-year~~ THREE-YEAR PERIOD in which it is issued, and may be renewed on or before ~~December 31 of each year~~ THE END OF SUCH THREE-YEAR PERIOD. THE OFFICE OF ACTIVE AND INACTIVE MINES IS AUTHORIZED TO ESTABLISH SUCH THREE-YEAR PERIODS SO AS TO COORDINATE WITH THE RENEWAL DATES FOR FEDERAL PERMITS.

(b) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE OFFICE OF ACTIVE AND INACTIVE MINES MAY ISSUE TRANSITIONAL EXPLOSIVES PERMITS, FOR PERIODS OF LESS THAN THREE YEARS AND FOR FEES THAT ARE PROPORTIONATELY LOWER THAN THE FEES STATED IN PARAGRAPH (b) OF SUBSECTION (5.5) OF THIS SECTION, TO THE HOLDERS OF CURRENT AND VALID FEDERAL PERMITS FOR THE PURPOSE OF COORDINATING THE RENEWAL DATES OF STATE AND FEDERAL PERMITS. ON OR BEFORE THE EXPIRATION DATE OF SUCH TRANSITIONAL PERMITS, THE HOLDERS THEREOF MAY APPLY FOR THREE-YEAR PERMITS UPON PAYMENT OF THE FEES SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (5.5) OF THIS SECTION.

(II) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO WAIVE ANY OTHERWISE APPLICABLE REQUIREMENT OR CONDITION UPON THE GRANTING OF A PERMIT UNDER THIS ARTICLE.

(III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2003.

(5) (a) The fee for the issuance of each diesel permit ~~or explosives permit~~ relating to mining operations shall be a fee specified in paragraph (b) of this subsection (5). Moneys received from such fees shall be credited to the office of active and inactive mines operation fund, which fund is hereby created. All moneys credited to said fund, and all interest earned on such moneys, are subject to appropriation by the general assembly for paying the expenses of the office of active and inactive mines, and said moneys shall remain in such fund for such purposes and shall not revert to the general fund.

(5.5) (a) THE FEE FOR THE ISSUANCE OF EACH THREE-YEAR EXPLOSIVES PERMIT RELATING TO MINING OPERATIONS SHALL BE A FEE SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5.5). MONEYS RECEIVED FROM SUCH FEES SHALL BE CREDITED TO THE OFFICE OF ACTIVE AND INACTIVE MINES OPERATION FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

(b) THE FEE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5.5) SHALL BE IN ACCORDANCE WITH THE FOLLOWING TABLE:

**Employees Permit Fee**

1-5	\$30.00
6-25	\$90.00
26-50	\$150.00
51-75	\$210.00
76 OR MORE	\$270.00

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 17, 2000