

## LEGISLATIVE BILL 641

Approved by the Governor April 21, 1997

Introduced by Hilgert, 7

AN ACT relating to the Boiler Inspection Act; to amend section 48-720, Reissue Revised Statutes of Nebraska, and sections 48-722 and 48-726, Revised Statutes Supplement, 1996; to redefine a term; to provide for exemptions and change certain inspection requirements; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 48-720, Reissue Revised Statutes of Nebraska, is amended to read:

48-720. As used in the Boiler Inspection Act, unless the context otherwise requires:

(1) Board shall mean means the Boiler Safety Code Advisory Board;

(2) Boiler shall mean means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam or vapor is superheated, or any combination thereof, under pressure or vacuum, for internal or external use to itself, by the direct application of heat and an unfired pressure vessel in which the pressure is obtained from an external source or by the application of heat from an indirect or direct source. Boiler shall include includes a fired units unit for heating or vaporizing liquids other than water only when such units are unit is separate from processing systems and complete within themselves itself; and

(3) Commissioner shall mean means the Commissioner of Labor.

Sec. 2. Section 48-722, Revised Statutes Supplement, 1996, is amended to read:

48-722. The state boiler inspector shall inspect or cause to be inspected at least once every twelve months all boilers required to be inspected by the Boiler Inspection Act to determine whether the boilers are in a safe and satisfactory condition and properly constructed and maintained for the purpose for which the boiler is used, except that hobby boilers, steam farm traction engines, portable and stationary show engines, and portable and stationary show boilers, which are not otherwise exempted from the act pursuant to section 48-726, shall be subject to inspection at least once every twenty-four months. No boilers required to be inspected by the act shall be operated without valid and current certification pursuant to rules and regulations adopted and promulgated by the commissioner in accordance with the requirements of the Administrative Procedure Act. The owner of any boiler installed after September 2, 1973, shall file a manufacturer's data report covering the construction of such boiler with the state boiler inspector. Such reports shall be used to assist the state boiler inspector in the certification of boilers. No boiler required to be inspected by the Boiler Inspection Act shall be operated at any type of public gathering or show without first being inspected and certified as to its safety by the state boiler inspector. Antique engines with boilers may be brought into the state from other states without inspection, but inspection as provided in this section shall be made and the boiler certified as safe before being operated.

Sec. 3. Section 48-726, Revised Statutes Supplement, 1996, is amended to read:

48-726. The Boiler Inspection Act shall not apply to (1) boilers of railway locomotives subject to federal inspection, (2) boilers operated and regularly inspected by railway companies operating in interstate commerce, (3) boilers under the jurisdiction and subject to inspection by the United States Government, (4) boilers used exclusively for agricultural purposes, (5) steam heating boilers in single-family residences and apartment houses with four or less units using a pressure of less than fifteen pounds per square inch and having a safety valve set at not higher than fifteen pounds pressure per square inch, (6) heating boilers using water in single-family residences and apartment houses with four or less units using a pressure of less than thirty pounds per square inch and having a safety valve set at not higher than thirty pounds pressure per square inch, (7) fire engine boilers brought into the state for temporary use in times of emergency, (8) boilers of a miniature model locomotive or boat or tractor or stationary engine constructed and maintained as a hobby and not for commercial use and having a diameter of less than ten inches inside diameter and a grate area not in excess of one and one-half square feet and that are properly equipped with a safety valve, and (9) hot water supply boilers not having more than (a) one hundred fifty

thousand British thermal units of input, (b) one hundred twenty gallons of nominal capacity, or (c) two hundred ten degrees Fahrenheit output, (10) unfired pressure vessels not exceeding (a) five cubic feet in volume and a pressure of two hundred fifty pounds per square inch or (b) one and one-half cubic feet in volume regardless of the amount of pressure used, and (11) unfired pressure vessels owned and maintained by a district or corporation organized under the provisions of Chapter 70, article 6.

Sec. 4. Original section 48-720, Reissue Revised Statutes of Nebraska, and sections 48-722 and 48-726, Revised Statutes Supplement, 1996, are repealed.