

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 581
PROPOSED COMMITTEE SUBSTITUTE S581-PCS75374-TQf-61

Short Title: Establish Historical Boilers Licensing Act. (Public)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE HISTORICAL BOILERS LICENSING ACT
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 95 of the General Statutes is amended by adding the
5 following new Article to read:

6 "Article 7B.
7 "Historical Boilers Licensing Act.

8 **"§ 95-69.30. Short title.**

9 This Article may be cited as the "Historical Boilers Licensing Act."

10 **"§ 95-69.31. Definitions.**

11 The following definitions apply in this Article:

- 12 (1) Board. – The North Carolina Historical Boilers Licensing Board.
13 (2) Boiler. – The term shall have the same meaning as in G.S. 95-69.9(b).
14 (3) Historical boiler. – A steam boiler of riveted construction that is preserved,
15 restored, or maintained for hobby or demonstration.

16 **"§ 95-69.32. License required; operating historical boiler in place open to the public;
17 exemption for smaller boilers.**

18 No person shall operate a historical boiler in this State in a place that is open to the public
19 unless both of the following requirements are satisfied:

- 20 (1) The person operating the boiler is licensed under this Article.
21 (2) The owner of the boiler holds a current valid certificate of operation for the
22 historical boiler in accordance with G.S. 95-69.36.

23 **"§ 95-69.33. North Carolina Historical Boilers Licensing Board.**

24 (a) Creation. – The North Carolina Historical Boilers Licensing Board is created.
25 (b) Composition and Terms. – The Board shall consist of nine members who shall serve
26 staggered terms. The initial Board members shall be appointed on or before October 1, 2013, as
27 follows:

- 28 (1) The General Assembly, upon the recommendation of the President Pro
29 Tempore of the Senate, shall appoint two members, one of whom shall serve
30 for a term of four years and one of whom shall serve for a term of five years.
31 (2) The General Assembly, upon the recommendation of the Speaker of the
32 House of Representatives, shall appoint two members, one of whom shall
33 serve for a term of three years and one of whom shall serve for a term of five
34 years.



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1 (3) The Governor shall appoint three members, one of whom shall serve for a
2 term of three years, one of whom shall serve for a term of four years, and
3 one of whom shall serve for a term of five years.

4 (4) The Commissioner of Labor shall appoint two members, one of whom shall
5 serve for a term of three years and one of whom shall serve for a term of five
6 years.

7 Upon the expiration of the terms of the initial Board members, each member shall be
8 appointed for a term of five years and shall serve until a successor is appointed. No member
9 may serve more than two consecutive full terms.

10 (c) Qualifications. – Of the four members appointed by the General Assembly, each
11 member shall (i) own a historical boiler, (ii) have at least 10 years of experience in the
12 operation of historical boilers, and (iii) be a resident of this State and represent a different
13 region of the State. Of the two members appointed by the Commissioner of Labor, at least one
14 shall be employed by the Boiler Safety Bureau within the Department of Labor as a boiler and
15 pressure vessel inspector under Article 7A of this Chapter.

16 (d) Vacancies. – A vacancy shall be filled in the same manner as the original
17 appointment, except that all unexpired terms of Board members appointed by the General
18 Assembly shall be filled in accordance with G.S. 120-122 and shall be filled within 45 days
19 after the vacancy occurs. Appointees to fill vacancies shall serve the remainder of the
20 unexpired term and until their successors have been duly appointed and qualified.

21 (e) Removal. – The Board may remove any of its members for neglect of duty,
22 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
23 licensee shall be disqualified from participating in the official business of the Board until the
24 charges have been resolved.

25 (f) Compensation. – Each member of the Board shall receive per diem and
26 reimbursement for travel and subsistence as provided in G.S. 93B-5.

27 (g) Officers. – The Board shall, by majority vote, elect a chair annually who shall serve
28 for a one-year term and until a successor is elected and qualified.

29 (h) Meetings. – The Board shall meet at least once each year and at other times upon
30 the call of the chair. A majority of Board members constitutes a quorum.

31 (i) Administrative Support. – The Department of Agriculture shall provide the staff,
32 meeting space, and office supplies for the Board.

33 **"§ 95-69.34. Powers and duties of the Board.**

34 The Board shall have the power and duty to:

35 (1) Adopt rules regarding the following:

36 a. Criteria that inspectors of historical boilers shall use in determining
37 the safe operation of historical boilers.

38 b. Procedures for the inspection of historical boilers.

39 c. Standards for riveted or welded repairs or alterations made to
40 historical boilers.

41 d. Standards and procedures for conducting hydrostatic tests and
42 requirements for reporting the results of those tests to the Board as
43 required under G.S. 95-69.36.

44 e. Standards and procedures for the revocation of a historical boiler
45 operator's license that include an opportunity for appeal and hearing
46 in accordance with Chapter 150B of the General Statutes.

47 f. Standards for requalifying for licensure after revocation of a license.

48 g. Standards for the public display and operation of historical boilers in
49 this State by historical boiler operators who reside outside of this
50 State.

51 h. Criteria that would constitute the need for an ultrasonic test.

- 1 i. Standards and procedures for conducting ultrasonic tests.
- 2 (2) Issue licenses to operate historical boilers in public to persons who meet the
3 requirements for licensure under this Article.
- 4 (3) Issue certificates of operation for historical boilers passing inspection as
5 required by G.S. 95-69.36.
- 6 (4) Conduct hearings in accordance with Chapter 150B of the General Statutes
7 for any person who appeals a decision made by an inspector regarding
8 whether the person should be denied a certificate of operation for the
9 person's historical boiler.
- 10 (5) Establish a fee for the inspection of historical boilers in an amount sufficient
11 to reimburse the Department of Labor for the cost of conducting the
12 inspections.
- 13 (6) Create and conduct a safety program for the purpose of providing instruction
14 on how to properly care for, maintain, operate, and exhibit historical boilers.
15 The program shall also include instruction on how to train an apprentice to
16 properly care for, maintain, operate, and exhibit historical boilers. The Board
17 may charge a fee not to exceed forty-five dollars (\$45.00) for each person
18 attending the safety program.
- 19 (7) Establish requirements for the minimum amount of liability insurance an
20 owner of a historical boiler shall carry on each historical boiler the owner
21 operates in public.

22 **"§ 95-69.35. License to operate historical boiler in place open to public.**

23 (a) Upon application to the Board, the Board shall issue a license to operate a historical
24 boiler in a place open to the public to any person who satisfies each of the following criteria:

- 25 (1) Is at least 16 years of age.
- 26 (2) Has completed the safety program created and conducted by the Board as
27 provided in G.S. 95-69.34(6).
- 28 (3) Has a minimum of 100 hours of actual operating experience or training in
29 the operation of historical boilers.

30 (b) A person who satisfies the criteria under subsection (a) of this section shall pay to
31 the Board a one-time fee of fifty dollars (\$50.00) for the issuance of a license.

32 (c) A license issued under this section is valid for the lifetime of the operator unless the
33 license is revoked by the Board pursuant to subsection (e) of this section.

34 (d) A person who is under the age of 16 may be trained in the operation of historical
35 boilers by serving as an apprentice to an operator who is licensed under this Article.

36 (e) The Board may revoke a license issued under this section for violations of this
37 Article or rules adopted by the Board. A person whose license is revoked may requalify for
38 licensure upon meeting the requirements for requalification pursuant to rules adopted by the
39 Board.

40 **"§ 95-69.36. Certificate of operation and inspection of historical boiler.**

41 (a) The owner of a historical boiler operated in a place open to the public shall maintain
42 a current valid certificate of operation for the historical boiler pursuant to the requirements of
43 this section.

44 (b) At least once every three years, inspectors designated by the Chief Inspector of the
45 Boiler Safety Bureau within the Department of Labor shall inspect thoroughly, internally and
46 externally, and under operating conditions, all historical boilers operated in a place open to the
47 public and the historical boilers' appurtenances. Inspectors shall examine the smoke box, barrel,
48 wrapped sheet, dome, water column and water glass, firebox, external plumbing, fusible plug,
49 pressure relief valve, and pressure gauge.

50 (c) After conducting the inspection required by subsection (b) of this section, the
51 inspector shall evaluate whether the historical boiler is in safe operating condition in

1 accordance with rules adopted by the Board. If the inspector determines that the historical
2 boiler is in safe operating condition, the inspector shall recommend that the Board issue a
3 certificate of operation for the historical boiler. If the Board concurs with the recommendation
4 of the inspector, the Board shall issue a certificate of operation for the historical boiler
5 inspected by that inspector. A certificate of operation is valid for a period of three years from
6 the date of issuance.

7 (d) If the inspector does not recommend the issuance of a certificate of operation for the
8 historical boiler or if the Board decides not to issue a certificate of operation, the owner of the
9 historical boiler may file an appeal with the Board, and the Board shall conduct a hearing in
10 accordance with Chapter 150B of the General Statutes.

11 (e) The owner of the historical boiler operated in public shall display the certificate of
12 operation in a prominent place on the historical boiler during its operation."

13 **SECTION 2.** G.S. 95-69.10 reads as rewritten:

14 **"§ 95-69.10. Application of Article; exemptions.**

15 ...

16 (h) The inspection requirements established by the Department of Labor shall not apply
17 to historical boilers. The inspection requirements for historical boilers shall be established by
18 the North Carolina Historical Boilers Licensing Board, and inspections of historical boilers
19 shall be conducted by the Department of Labor as provided in Article 7B of this Chapter and
20 rules adopted pursuant to Article 7B of this Chapter. For purposes of this Article and Article 7B
21 of this Chapter, the term "historical boiler" means a steam boiler of riveted construction that is
22 preserved, restored, or maintained for hobby or demonstration."

23 **SECTION 3.** The Board shall adopt rules to implement this act in accordance with
24 Chapter 150B of the General Statutes. The rules adopted by the Board shall become effective
25 October 1, 2014.

26 **SECTION 4.** A historical boiler that has been issued a valid inspection certificate
27 by the Boiler Safety Board of the Department of Labor under Article 7A of Chapter 95 of the
28 General Statutes may be operated until October 1, 2014.

29 **SECTION 5.** Section 2 of this act becomes effective October 1, 2014. The
30 remainder of this act is effective when it becomes law.