

House File 368 - Enrolled

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HOUSE FILE 368

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1 3 AN ACT
1 4 RELATING TO THE BOILER AND PRESSURE VESSEL SAFETY PROGRAM
1 5 ENFORCED BY THE DIVISION OF LABOR SERVICES OF THE
1 6 DEPARTMENT OF WORKFORCE DEVELOPMENT.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 10 Section 1. Section 89.3, subsections 3 and 4, Code 2007,
1 11 are amended by striking the subsections.
1 12 Sec. 2. Section 89.3, subsection 8, Code 2007, is amended
1 13 to read as follows:
1 14 8. Internal inspections of cast aluminum steam, cast
1 15 aluminum hot water heating, sectional cast iron steam, and
1 16 cast iron hot water heating boilers shall be conducted only as
1 17 deemed necessary by the commissioner. External operating
1 18 inspections shall be conducted annually.
1 19 Sec. 3. Section 89.3, subsection 9, Code 2007, is amended
1 20 to read as follows:
1 21 9. Internal inspections of steel hot water boilers shall
1 22 be conducted once every six years. ~~The initial inspection of~~
1 23 ~~all affected boilers shall be apportioned by the commissioner~~
1 24 ~~over the six-year period after July 1, 1978.~~ External
1 25 operating inspections shall be conducted annually.
1 26 Sec. 4. Section 89.4, subsection 1, Code 2007, is amended
1 27 by adding the following new paragraph:
1 28 NEW PARAGRAPH. i. Water heaters used for potable water if
1 29 the capacity is less than or equal to fifty gallons, the
1 30 burner input is less than or equal to fifty thousand British
1 31 thermal units, and the maximum allowable working pressure is
1 32 less than one hundred sixty pounds per square inch.
1 33 Sec. 5. Section 89.7, Code 2007, is amended by striking
1 34 the section and inserting in lieu thereof the following:
1 35 89.7 SPECIAL INSPECTORS.
2 1 1. The inspection required by this chapter shall not be
2 2 made by the commissioner if an owner or user of equipment
2 3 specified by this chapter obtains an inspection by a
2 4 representative of a reputable insurance company and obtains a
2 5 policy of insurance upon the equipment from that insurance
2 6 company.
2 7 2. The representative conducting the inspection shall be
2 8 commissioned by the commissioner as a special inspector for
2 9 the year during which the inspection occurs and shall meet
2 10 such other requirements as the commissioner may by rule
2 11 establish. The commission shall be valid for one year and the
2 12 special inspector shall pay a fee for the issuance of the
2 13 commission. The commissioner shall establish the amount of
2 14 the fee by rule. The commissioner shall establish rules for
2 15 the issuance and revocation of special inspector commissions.
2 16 The rules are subject to the requirements of chapter 17A.
2 17 3. The insurance company shall file a notice of insurance
2 18 coverage on forms approved by the commissioner stating that
2 19 the equipment is insured and that inspection shall be made in
2 20 accordance with section 89.3.
2 21 4. The special inspector shall provide the user and the
2 22 commissioner with an inspection report including the nature
2 23 and extent of all defects and violations, in a format approved
2 24 by the labor commissioner.
2 25 5. The failure of a special inspector to inform the
2 26 commissioner of violations shall not subject the commissioner
2 27 to liability for any damages incurred.
2 28 Sec. 6. NEW SECTION. 89.7A CERTIFICATES.
2 29 1. The commissioner shall issue a certificate of
2 30 inspection valid for the period specified in section 89.3
2 31 after the payment of a fee, the filing of an inspection
2 32 report, and the correction or other appropriate resolution of
2 33 any defects identified in the inspection report.
2 34 2. The owner or user of any equipment covered in this
2 35 chapter, or persons in charge of such equipment, shall not
3 1 allow or permit a greater pressure in any unit than is stated
3 2 in the certificate of inspection issued by the commissioner.
3 3 3. The commissioner shall indicate to the user whether or

3 4 not the equipment may be used without making repair or
3 5 replacement of defective parts, or whether or how the
3 6 equipment may be used in a limited capacity before repairs or
3 7 replacements are made, and the commissioner may permit the
3 8 user a reasonable time to make such repairs or replacements.

3 9 Sec. 7. Section 89.11, Code 2007, is amended to read as
3 10 follows:

3 11 89.11 INJUNCTION.

3 12 In addition to ~~any and~~ all other remedies, if any owner,
3 13 user, or person in charge of any equipment covered by this
3 14 chapter, ~~shall continue~~ continues to use any equipment covered
3 15 by this chapter, after receiving ~~a notice of defect an~~
3 16 inspection report identifying defects and exhausting appeal
3 17 rights as provided by this chapter, without first correcting
3 18 the defects or making replacements, the commissioner may apply
3 19 to the district court ~~or any judge thereof~~ by petition in
3 20 equity, in an action brought in the name of the state, for a
3 21 writ of injunction to restrain the use of the alleged
3 22 defective equipment. However, if the commissioner believes
3 23 that the continued operation of equipment constitutes an
3 24 imminent danger that could seriously injure or cause death to
3 25 any person, in addition to all other remedies, the
3 26 commissioner may apply to the district court in the county in
3 27 which the imminently dangerous condition exists for a
3 28 temporary order to enjoin the owner, user, or person in charge
3 29 before exhausting administrative appeals.

3 30 Sec. 8. Section 89.14, subsections 5 and 8, Code 2007, are
3 31 amended to read as follows:

3 32 5. The board shall adopt rules pursuant to chapter 17A
3 33 necessary to administer the duties of the board. Rules
3 34 adopted by the board shall be in accordance with accepted
3 35 engineering standards and practices. The board shall adopt
4 1 rules relating to the equipment covered by this chapter that
4 2 are in accordance with the ASME code, which may include
4 3 addenda, interpretations, and code cases, as soon as
4 4 reasonably practical following publication by the American
4 5 society of mechanical engineers. The board shall adopt rules
4 6 to require that operation of equipment cease in the event of
4 7 imminent danger.

4 8 8. The board shall establish fees for examinations,
4 9 ~~commissions~~, inspections, annual statements, shop inspections,
4 10 and other services. The fees shall reflect the actual costs
4 11 and expenses necessary to operate the board and perform the
4 12 duties of the commissioner.

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4 16 PATRICK J. MURPHY
4 17 Speaker of the House

4 21 JOHN P. KIBBIE
4 22 President of the Senate

4 23
4 24 I hereby certify that this bill originated in the House and
4 25 is known as House File 368, Eighty-second General Assembly.

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4 29 MARK BRANDSGARD
4 30 Chief Clerk of the House

4 31 Approved _____, 2007

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4 35 CHESTER J. CULVER

5 1 Governor