

# House File 368 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 50)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the boiler and pressure vessel safety program  
2 enforced by the division of labor services of the department  
3 of workforce development.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1350HV 82  
6 ak/je/5

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1 1 Section 1. Section 89.3, subsections 3 and 4, Code 2007,  
1 2 are amended by striking the subsections.  
1 3 Sec. 2. Section 89.3, subsection 8, Code 2007, is amended  
1 4 to read as follows:  
1 5 8. Internal inspections of cast aluminum steam, cast  
1 6 aluminum hot water heating, sectional cast iron steam, and  
1 7 cast iron hot water heating boilers shall be conducted only as  
1 8 deemed necessary by the commissioner. External operating  
1 9 inspections shall be conducted annually.  
1 10 Sec. 3. Section 89.3, subsection 9, Code 2007, is amended  
1 11 to read as follows:  
1 12 9. Internal inspections of steel hot water boilers shall  
1 13 be conducted once every six years. ~~The initial inspection of~~  
1 14 ~~all affected boilers shall be apportioned by the commissioner~~  
1 15 ~~over the six-year period after July 1, 1978.~~ External  
1 16 operating inspections shall be conducted annually.  
1 17 Sec. 4. Section 89.7, Code 2007, is amended by striking  
1 18 the section and inserting in lieu thereof the following:  
1 19 89.7 SPECIAL INSPECTORS.  
1 20 1. The inspection required by this chapter shall not be  
1 21 made by the commissioner if an owner or user of equipment  
1 22 specified by this chapter obtains an inspection by a  
1 23 representative of a reputable insurance company and obtains a  
1 24 policy of insurance upon the equipment from that insurance  
1 25 company.  
1 26 2. The representative conducting the inspection shall be  
1 27 commissioned by the commissioner as a special inspector for  
1 28 the year during which the inspection occurs and shall meet  
1 29 such other requirements as the commissioner may by rule  
1 30 establish. The commission shall be valid for one year and the  
1 31 special inspector shall pay a fee for the issuance of the  
1 32 commission. The commissioner shall establish the amount of  
1 33 the fee by rule. The commissioner shall establish rules for  
1 34 the issuance and revocation of special inspector commissions.  
1 35 The rules are subject to the requirements of chapter 17A.  
2 1 3. The insurance company shall file a notice of insurance  
2 2 coverage on forms approved by the commissioner stating that  
2 3 the equipment is insured and that inspection shall be made in  
2 4 accordance with section 89.3.  
2 5 4. The special inspector shall provide the user and the  
2 6 commissioner with an inspection report including the nature  
2 7 and extent of all defects and violations, in a format approved  
2 8 by the labor commissioner.  
2 9 5. The failure of a special inspector to inform the  
2 10 commissioner of violations shall not subject the commissioner  
2 11 to liability for any damages incurred.  
2 12 Sec. 5. NEW SECTION. 89.7A CERTIFICATES.  
2 13 1. The commissioner shall issue a certificate of  
2 14 inspection valid for the period specified in section 89.3  
2 15 after the payment of a fee, the filing of an inspection  
2 16 report, and the correction or other appropriate resolution of  
2 17 any defects identified in the inspection report.

2 18 2. The owner or user of any equipment covered in this  
2 19 chapter, or persons in charge of such equipment, shall not  
2 20 allow or permit a greater pressure in any unit than is stated  
2 21 in the certificate of inspection issued by the commissioner.

2 22 3. The commissioner shall indicate to the user whether or  
2 23 not the equipment may be used without making repair or  
2 24 replacement of defective parts, or whether or how the  
2 25 equipment may be used in a limited capacity before repairs or  
2 26 replacements are made, and the commissioner may permit the  
2 27 user a reasonable time to make such repairs or replacements.

2 28 Sec. 6. Section 89.11, Code 2007, is amended to read as  
2 29 follows:

2 30 89.11 INJUNCTION.

2 31 In addition to ~~any and~~ all other remedies, if any owner,  
2 32 user, or person in charge of any equipment covered by this  
2 33 chapter, ~~shall continue~~ continues to use any equipment covered  
2 34 by this chapter, after receiving ~~a notice of defect an~~  
2 35 inspection report identifying defects and exhausting appeal

3 1 rights as provided by this chapter, without first correcting  
3 2 the defects or making replacements, the commissioner may apply  
3 3 to the district court ~~or any judge thereof~~ by petition in  
3 4 equity, in an action brought in the name of the state, for a  
3 5 writ of injunction to restrain the use of the alleged  
3 6 defective equipment. However, if the commissioner believes  
3 7 that the continued operation of equipment constitutes an  
3 8 imminent danger that could seriously injure or cause death to  
3 9 any person, in addition to all other remedies, the  
3 10 commissioner may apply to the district court in the county in  
3 11 which the imminently dangerous condition exists for a  
3 12 temporary order to enjoin the owner, user, or person in charge  
3 13 before exhausting administrative appeals.

3 14 Sec. 7. Section 89.14, subsections 5 and 8, Code 2007, are  
3 15 amended to read as follows:

3 16 5. The board shall adopt rules pursuant to chapter 17A  
3 17 necessary to administer the duties of the board. Rules  
3 18 adopted by the board shall be in accordance with accepted  
3 19 engineering standards and practices. The board shall adopt  
3 20 rules relating to the equipment covered by this chapter that  
3 21 are in accordance with the ASME code, which may include  
3 22 addenda, interpretations, and code cases, as soon as  
3 23 reasonably practical following publication by the American  
3 24 society of mechanical engineers. The board shall adopt rules  
3 25 to require that operation of equipment cease in the event of  
3 26 imminent danger.

3 27 8. The board shall establish fees for examinations,  
3 28 ~~commissions~~, inspections, annual statements, shop inspections,  
3 29 and other services. The fees shall reflect the actual costs  
3 30 and expenses necessary to operate the board and perform the  
3 31 duties of the commissioner.

#### 3 32 EXPLANATION

3 33 This bill establishes the same standards for inspection  
3 34 reports and issuance of certificates regardless of whether the  
3 35 inspection was performed by a special inspector or an  
4 1 inspector who is a state employee. It also creates the same  
4 2 authority for the commissioner to limit use of equipment  
4 3 pending repairs or replacement regardless of whether the  
4 4 inspection was performed by a special inspector or an  
4 5 inspector who is a state employee.

4 6 The bill substitutes the phrase "notice of insurance  
4 7 coverage" for the phrase "certificate of inspection" to  
4 8 describe the document used to notify the labor commissioner  
4 9 that an insurance company is insuring an object and plans to  
4 10 inspect it. The bill establishes a more consistent use of the  
4 11 term "inspection report" in the boiler chapter.

4 12 The bill places into separate Code sections requirements  
4 13 for inspections by special inspectors and the provisions  
4 14 concerning certificates of inspection.

4 15 The bill creates an exemption from regular internal  
4 16 inspections for cast aluminum steam and cast aluminum hot  
4 17 water heating boilers.

4 18 The bill strikes obsolete language permitting the  
4 19 commissioner to apportion the initial inspection of all  
4 20 affected steel hot water boilers over a six-year period  
4 21 beginning in 1978.

4 22 The bill removes a conflict in the existing statute that  
4 23 allows both the labor commissioner and the boiler and pressure  
4 24 vessel board to set the fee for issuance of a special  
4 25 inspector commission.

4 26 The bill authorizes the labor commissioner to apply to the  
4 27 district court for a writ of injunction to restrain the use of  
4 28 imminently dangerous equipment without affording the owner an

4 29 opportunity for administrative appeal of the inspection  
4 30 report. The bill requires the boiler and pressure vessel  
4 31 board to adopt rules to require that the operation of  
4 32 imminently dangerous equipment cease.  
4 33 LSB 1350HV 82  
4 34 ak:rj/je/5