



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3011

Introduced 1/20/2006, by Sen. Arthur J. Wilhelmi

SYNOPSIS AS INTRODUCED:

430 ILCS 75/2a	from Ch. 111 1/2, par. 3202a
430 ILCS 75/2b	from Ch. 111 1/2, par. 3202b
430 ILCS 75/4	from Ch. 111 1/2, par. 3205
430 ILCS 75/5	from Ch. 111 1/2, par. 3206
430 ILCS 75/8	from Ch. 111 1/2, par. 3209
430 ILCS 75/10	from Ch. 111 1/2, par. 3211
430 ILCS 75/11	from Ch. 111 1/2, par. 3212
430 ILCS 75/15	from Ch. 111 1/2, par. 3216
430 ILCS 75/14 rep.	

Amends the Boiler and Pressure Vessel Safety Act. Replaces references to the Department of Nuclear Safety with the Illinois Emergency Management Agency. Removes references to pressure vessels containing the API ASME Code symbol in the determination of maximum and minimum operating temperatures of a pressure vessel by using the applicable section of the ASME Code. Exempts all pressure vessels containing liquified petroleum regulated by the Liquified Petroleum Regulation Act. Exempts the listed types of hot water boilers, pressure vessels, and water conditioning equipment from the inspection and certification process under the Act. Changes the time limit for filing reports concerning boiler or pressure vessel certificate inspections and owner-user certificate inspections to 10 days (from 30 days). Provides that the inspection reports may be filed electronically. Repeals the Section requiring the Chief and Deputy Inspectors to furnish bonds. Makes other changes. Effective immediately.

LRB094 15598 LCT 50803 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning public safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Boiler and Pressure Vessel Safety Act is
5 amended by changing Sections 2a, 2b, 4, 5, 8, 10, 11, and 15 as
6 follows:

7 (430 ILCS 75/2a) (from Ch. 111 1/2, par. 3202a)

8 Sec. 2a. Nuclear facilities. Notwithstanding any other
9 provision to the contrary, the Illinois Emergency Management
10 Agency ~~Department of Nuclear Safety~~ shall have sole
11 jurisdiction over all boilers and pressure vessels contained
12 within or upon or in connection with any nuclear facility
13 within this State. The Illinois Emergency Management Agency
14 ~~Department of Nuclear Safety~~ shall have the same authority and
15 shall have and exercise the same powers and duties in relation
16 to those boilers and pressure vessels under this Act as the
17 Board or the State Fire Marshal have and exercise in relation
18 to all boilers and pressure vessels in this State that are not
19 included in this Section. Notwithstanding any other provision
20 to the contrary, the Illinois Emergency Management Agency
21 ~~Department of Nuclear Safety~~ shall establish by rule the types
22 and frequency of inspections of boilers and pressure vessels
23 contained within or upon or in connection with any nuclear
24 facility. The rules may provide that multiple boilers and
25 pressure vessels in a nuclear power system shall be covered by
26 a single inspection certificate. The Illinois Emergency
27 Management Agency ~~Department of Nuclear Safety~~ may enter into
28 such agreements with the Board or the State Fire Marshal as are
29 necessary to carry out its duties under this Act. The
30 agreements may provide that the Illinois Emergency Management
31 Agency ~~Department of Nuclear Safety~~ shall accept and recognize
32 Special Inspector Commissions issued by the State Fire Marshal.

1 (Source: P.A. 86-901; 87-1169.)

2 (430 ILCS 75/2b) (from Ch. 111 1/2, par. 3202b)

3 Sec. 2b. In addition to its other powers, the Illinois
4 Emergency Management Agency ~~Department of Nuclear Safety~~ is
5 authorized to enter into agreements with the United States
6 Nuclear Regulatory Commission for the establishment of a
7 coordinated and comprehensive program to minimize the risks
8 posed by boilers, pressure vessels, and related components
9 contained within or upon or in connection with any nuclear
10 facility within this State. The program may provide for such
11 inspections of nuclear facilities within the State as may be
12 agreed upon and for inspections within and outside the State of
13 Illinois of boilers and pressure vessels to be installed in any
14 nuclear facility within this State.

15 (Source: P.A. 86-901.)

16 (430 ILCS 75/4) (from Ch. 111 1/2, par. 3205)

17 Sec. 4. Existing boilers and pressure vessels.

18 (a) The maximum allowable pressure consistent with the
19 maximum and minimum operating temperatures of a boiler carrying
20 the ASME Code symbol or of a pressure vessel carrying the ASME
21 ~~or API-ASME~~ Code symbol shall be determined by the applicable
22 section of the Code under which it was constructed and stamped
23 or a later edition of the ASME Code, provided the rating
24 conforms with the rules of the later edition.

25 (b) The maximum allowable pressure consistent with the
26 maximum and minimum operating temperatures of a boiler or
27 pressure vessel that does not carry the ASME ~~or the API-ASME~~
28 Code symbol shall be computed in accordance with the rules and
29 regulations of the Board, unless the boiler or pressure vessel
30 is of special design or construction, in which case the Board
31 may grant, at its discretion, a special operating permit
32 consistent with the safety objectives of the rules and
33 regulations of the Board.

34 (c) This Act does not prohibit the use, sale, or

1 reinstallation of a boiler or pressure vessel referred to in
2 this Section, provided it has been made to conform to the rules
3 and regulations of the Board governing existing installations,
4 and provided, further, it has not been found upon inspection to
5 be in an unsafe condition.

6 (Source: P.A. 87-1169.)

7 (430 ILCS 75/5) (from Ch. 111 1/2, par. 3206)

8 Sec. 5. Exemptions.

9 (a) This Act shall not apply to the following boilers and
10 pressure vessels:

11 (1) Boilers and pressure vessels under federal
12 regulations, except for boiler and pressure vessels in
13 nuclear facilities subject to Section 2a, and boilers and
14 pressure vessels located in cities of more than 500,000
15 inhabitants.

16 (2) Pressure vessels used for transportation and
17 storage of compressed or liquefied gases when constructed
18 in compliance with specifications of the Department of
19 Transportation and charged with gas or liquid, marked,
20 maintained, and periodically requalified for use, as
21 required by appropriate regulations of the Department of
22 Transportation.

23 (3) Pressure vessels located on vehicles operating
24 under the rules of other State authorities and used for
25 carrying passengers or freight.

26 (4) Pressure vessels installed on the right of way of
27 railroads and used directly in the operation of trains.

28 (5) Boilers and pressure vessels under the inspection
29 jurisdiction of the Department of Natural Resources and
30 located on mine property.

31 (6) Boilers and pressure vessels located on farms and
32 used solely for agricultural purposes.

33 (7) Steam boilers of a miniature model locomotive,
34 boat, tractor, or stationary engine constructed and
35 maintained as a hobby and not for commercial use, that have

1 an inside diameter not exceeding 12 inches and a grate area
2 not exceeding 1 1/2 square feet, provided they are
3 constantly attended while in operation and are equipped
4 with a water level indicator, pressure gauge, and a safety
5 valve of adequate capacity.

6 (8) Pressure vessels regulated and inspected under the
7 Illinois Fertilizer Act of 1961.

8 (9) Pressure vessels containing liquified petroleum
9 gas regulated under the Liquified Petroleum Gas Regulation
10 Act, ~~except those used for industrial processes.~~

11 (b) The following boilers and pressure vessels shall be
12 exempt from the requirements of Sections 10, 11, 12, and 13 of
13 this Act:

14 (1) Steam boilers used for heating purposes and
15 operated at a pressure not in excess of 15 pounds per
16 square inch gauge (psig) and having a rating not in excess
17 of 200,000 B.T.U. per hour input.

18 (2) Hot water heating boilers operated at a pressure
19 not in excess of 30 psig and having a rating not in excess
20 of 200,000 B.T.U. per hour.

21 (3) Boilers and pressure vessels, located in private
22 residences or in multi-family buildings having fewer than 6
23 dwelling units.

24 (4) Hot water supply boilers that are directly fired
25 with oil, gas, or electricity when none of the following
26 limitations are exceeded:

27 (A) Heat input of 200,000 BTU per hour.

28 (B) Water temperature of 200 degrees Fahrenheit.

29 (C) Nominal water containing capacity of 120 U.S.
30 gallons.

31 (5) Coil type hot water boilers where the water can
32 flash into steam when released directly to the atmosphere
33 through a manually operated nozzle provided the following
34 conditions are met:

35 (A) There is no drum, headers, or other steam
36 space.

1 (B) No steam is generated within the coil.

2 (C) Outside diameter of tubing does not exceed 1
3 inch.

4 (D) Pipe size does not exceed 3/4 inch NPS.

5 (E) Water capacity of unit does not exceed 6 U.S.
6 gallons.

7 (F) Water temperature does not exceed 350 degrees
8 Fahrenheit.

9 ~~, that are within any of the following categories:~~

10 ~~(A) Steam heating boilers operated at not more than~~
11 ~~15 psig.~~

12 ~~(B) Hot water heating boilers operated at not more~~
13 ~~than 30 psig.~~

14 ~~(C) Hot water boilers operated at not more than 160~~
15 ~~psig or 250 degrees Fahrenheit.~~

16 (6) ~~(D)~~ Pressure vessels containing only water under
17 pressure for domestic supply purposes, including those
18 containing air, the compression of which serves only a
19 cushion or airlift pumping function.

20 (7) Pressure vessels operated at a pressure not
21 exceeding 15 psig with no limitation on size.

22 (8) Pressure vessels that do not exceed:

23 (A) Both a volume of 15 cubic feet and 250 psig
24 when not located in a place of public assembly.

25 (B) Both a volume of 5 cubic and 250 psig when
26 located in a place of public assembly.

27 (C) A volume of 1 1/2 cubic feet or an inside
28 diameter of 6 inches with no limitation on pressure.

29 (9) Water conditioning equipment used for the removal
30 of minerals, chemicals, or organic or inorganic particles
31 from water by means other than application of heat
32 including, without limitation, water softeners, water
33 filters, dealkalizers, and demineralizers.

34 (10) Steam boilers of railroad locomotives and
35 traction engines built prior to 1955 that were constructed
36 or operated in compliance with the Federal Locomotive

1 Inspection Law and are in the permanent collection of a
2 museum or historical association are exempt from the
3 requirements of subsection (c) of Section 10 upon proof of
4 such construction or inspection being furnished to the
5 Board.

6 (c) (Blank). ~~Steam boilers of railroad locomotives and~~
7 ~~traction engines built prior to 1955 that were constructed or~~
8 ~~operated in compliance with the Federal Locomotive Inspection~~
9 ~~Law and are in the permanent collection of a museum or~~
10 ~~historical association are exempt from the requirements of~~
11 ~~subsection (c) of Section 10 upon proof of such construction or~~
12 ~~inspection being furnished to the Board.~~

13 (Source: P.A. 88-608, eff. 1-1-95; 88-616, eff. 9-9-94; 89-235,
14 eff. 8-4-95; 89-445, eff. 2-7-96.)

15 (430 ILCS 75/8) (from Ch. 111 1/2, par. 3209)

16 Sec. 8. Special Inspectors.

17 (a) The Office of the State Fire Marshal shall, upon the
18 request of any company authorized to write boiler and pressure
19 vessel insurance in this State or authorized under Section 15
20 of this Act ~~to self-insure boilers and pressure vessels~~, issue
21 to inspectors of the company commissions as Special Inspectors,
22 provided that each inspector before receiving his commission
23 shall meet the experience requirements of the Board and shall:

24 (1) satisfactorily pass the examination provided for
25 in Section 9 of this Act; or

26 (2) in lieu of that examination, hold a Certificate of
27 Competency as an inspector of boilers or pressure vessels
28 for a jurisdiction that has a standard of examination
29 substantially equal to that of the State of Illinois; or

30 (3) hold a Commission as an inspector of boilers and
31 pressure vessels from the National Board of Boiler and
32 Pressure Vessel Inspectors.

33 (b) Special Inspectors shall receive no salary from, nor
34 shall any of their expenses be paid by, the State. The
35 continuance of a Special Inspector's Commission shall be

1 conditioned upon his continuing in the employ of the duly
2 authorized insurance company or owner-user ~~self-insurer~~ and
3 upon maintenance of the standards imposed by this Act.

4 (c) Special Inspectors shall inspect boilers and pressure
5 vessels insured or operated ~~self-insured~~ by their respective
6 companies. The Board may impose limitations on owner-user
7 inspectors who have received their commissions based on the
8 American Petroleum Institute API-510 Inspectors Examination.
9 When so inspected, the owners and users of insured or
10 self-insured boilers and pressure vessels shall be exempt from
11 the payment to the State of the inspection fees provided for in
12 Section 13 of this Act.

13 (d) Within 10 business days ~~30 days~~ following each boiler
14 or pressure vessel certificate inspection, except the
15 inspection of pressure vessels covered by subsection (c) of
16 Section 11 of this Act, made by a Special Inspector, the
17 company employing the inspector shall file a report of the
18 inspection with the Chief Inspector either electronically or
19 upon the appropriate forms. Reports of non-certificate
20 external inspections need not be submitted except when those
21 inspections disclose that the boiler or pressure vessel is in
22 an unsafe condition or in violation of the rules and
23 regulations of the Board.

24 (e) The State Fire Marshal, the Chief Inspector, or any
25 Deputy or Special Inspector, shall have free access to any
26 premises in the State to perform inspections and investigations
27 in accordance with the provisions of this Act.

28 (Source: P.A. 87-1169; 88-608, eff. 1-1-95.)

29 (430 ILCS 75/10) (from Ch. 111 1/2, par. 3211)

30 Sec. 10. Inspection of boilers and pressure vessels.

31 (a) Each boiler or pressure vessel used or proposed to be
32 used within this State, except boilers or pressure vessels
33 exempt under this Act or rules and regulations of the Board,
34 shall be thoroughly inspected as to its construction,
35 installation, condition, and operation as follows:

1 (1) Power boilers shall be inspected annually both
2 internally and externally while not under pressure and
3 shall also be inspected annually externally while under
4 pressure if possible; provided that any power boiler or
5 steam generator, the operation of which is an integral part
6 of or a necessary adjunct to other continuous processing
7 operations, shall be inspected internally at such
8 intervals as are permitted by the shutting down of the
9 processing operations. The Board may provide by rules and
10 regulations for extension of time within which power
11 boilers are required to be inspected based upon type,
12 function, or manner of operation.

13 (2) Low pressure steam, ~~and~~ hot water heating, ~~boilers~~
14 and hot water supply boilers shall be inspected biennially
15 as required by the rules and regulations of the Board.

16 (3) Traction steam engine boilers and other boilers
17 constructed before the effective date of this amendatory
18 Act of 1992 and operated solely for exhibition purposes may
19 be issued an inspection certificate by the Chief or Deputy
20 Inspector, provided the owner can establish and document
21 that the design, materials, fabrication, examination,
22 testing, and operation are in accordance with the rules and
23 regulations of the Board. Traction engine boilers and other
24 boilers used solely for exhibition purposes shall be
25 inspected every 2 years.

26 (4) Pressure vessels subject to internal corrosion
27 shall receive a certificate inspection every 3 years as
28 required by rules and regulations of the Board. However,
29 the standards of inspection and repair of pressure vessels
30 in service by an owner-user authorized under Section 15
31 shall, at the option of the owner-user ~~or user~~, be either
32 (1) the applicable rules and regulations in the National
33 Board Inspection Code, or (2) the applicable section
34 ~~standards~~ in the American Petroleum Institute API-510,
35 "API Recommended Practice for Inspection, Repair, and
36 Rating of Pressure Vessels in Petroleum Refining Service" 7

1 ~~with any revisions, reissues, amendments, and~~
2 ~~interpretations of those inspection standards that are~~
3 ~~subsequently approved and adopted by the Board.~~

4 (5) Pressure vessels not subject to internal corrosion
5 shall receive certificate inspection at intervals set by
6 the Board, but internal inspection shall not be required of
7 pressure vessels containing materials that are known to be
8 noncorrosive to the material of which the shell, heads, or
9 fittings are constructed, either from the chemical
10 composition of the materials or from evidence that the
11 materials are adequately treated with a corrosion
12 inhibitor, provided that the vessels are constructed in
13 accordance with the rules and regulations of the Board.

14 A grace period of 2 months beyond the period specified in
15 this Section may elapse between internal inspections of a
16 boiler while it is not under pressure and between external
17 inspections of a boiler while it is under pressure. The Board
18 may, in its discretion, permit longer periods between
19 certificate inspection.

20 The inspections herein required shall be made by the Chief
21 Inspector, a Deputy Inspector, or a Special Inspector provided
22 for in this Act.

23 (b) If at any time a test is deemed necessary for a stated
24 cause by the inspector, the owner or user shall perform a test
25 acceptable to the inspector in the presence of and under the
26 direction of the inspector.

27 (c) All boilers and pressure vessels, except those
28 otherwise exempted by the Board, shall be inspected during
29 construction, as required by the applicable rules and
30 regulations of the Board, by an inspector authorized to inspect
31 boilers and pressure vessels in this State or, if constructed
32 outside of the State, by an inspector holding a Certificate
33 from the National Board of Boiler and Pressure Vessel
34 Inspectors or a Certificate of Competency as an inspector of
35 boilers and pressure vessels for a jurisdiction that has a
36 standard of examination substantially equal to that of this

1 State as provided in Section 9.

2 (Source: P.A. 87-1169; 88-608, eff. 1-1-95.)

3 (430 ILCS 75/11) (from Ch. 111 1/2, par. 3212)

4 Sec. 11. Inspection Certificates and annual statements.

5 (a) Each company employing Special Inspectors, except a
6 company operating pressure vessels covered by an owner-user
7 inspection service, ~~that meet the requirements of subsection~~
8 ~~(a) of Section 8 of this Act shall, within 10 business days ~~30~~~~
9 ~~days~~ following each certificate inspection, file a report of
10 inspection with the Chief Inspector electronically or upon the
11 appropriate forms as approved by the division. ~~upon appropriate~~
12 ~~forms provided by the Division.~~

13 (b) If the report filed pursuant to subsection (a) of this
14 Section shows that a boiler or pressure vessel is found to
15 comply with the rules and regulations of the Board, the owner
16 or user thereof shall pay directly to the Office of the State
17 Fire Marshal the fee established by the Board, and the Chief
18 Inspector shall issue to the owner or user an Inspection
19 Certificate bearing the date of inspection and specifying the
20 maximum pressure under which the boiler or pressure vessel may
21 be operated. Notwithstanding any other provision of this
22 Section, an Inspection Certificate shall remain valid beyond
23 the expiration date noted on the certificate until the boiler
24 or pressure vessel is reinspected by the authorized inspecting
25 authorities or until the certificate is suspended by the Chief
26 Inspector, provided that the owner or user of the boiler or
27 pressure vessel makes it available for inspection at reasonable
28 times. Certificates shall be posted in the room containing the
29 boiler or pressure vessel inspected. If the boiler or pressure
30 vessel is not located within the building, the certificate
31 shall be posted in a location convenient to the boiler or
32 pressure vessel inspected or in any place where it will be
33 accessible to interested parties.

34 (c) Each company operating pressure vessels covered by an
35 owner-user inspection program ~~service~~ meeting the requirements

1 of subsection (a) of Section 8 of this Act shall maintain in
2 its files an inspection record, which shall list, by number and
3 such abbreviated description as may be necessary for
4 identification, each pressure vessel covered by this Act, the
5 date of the last inspection of each unit, and the approximate
6 date for the next inspection. The inspection date shall be
7 arrived at by applying the appropriate rules to all data
8 available at the time the inspection record is compiled. The
9 inspection record shall be readily available for examination by
10 the Chief Inspector or his authorized representative during
11 business hours. Each such company shall, in addition, file
12 annually with the Chief Inspector a statement, signed by the
13 person having supervision over the inspections made during the
14 period covered, stating the number of vessels covered by this
15 Act inspected during the year and certifying that each
16 inspection was conducted pursuant to the inspection standards
17 provided for by this Act. The annual statement shall be
18 accompanied by the ~~a filing fee in accordance with the rates~~
19 established by the Board.

20 (d) (Blank). ~~An Inspection Certificate issued for a boiler~~
21 ~~or pressure vessel based upon a report of a Special Inspector~~
22 ~~shall be void if the boiler or pressure vessel insurance~~
23 ~~ceases.~~

24 (e) The Chief Inspector or his authorized representative
25 may at any time suspend an Inspection Certificate when, in his
26 opinion, the boiler or pressure vessel for which it was issued
27 cannot be operated without menace to public safety, when the
28 boiler or pressure vessel is found not to comply with the rules
29 and regulations herein provided, or when an owner or operator
30 has failed to pay any required fees or refused to allow
31 inspection. In that event, the Chief Inspector or his
32 representative shall issue a Notice of Suspension, which shall
33 be posted in a conspicuous location on or near the posted
34 Inspection Certificate. Each suspension of an Inspection
35 Certificate shall continue in effect until the boiler or
36 pressure vessel has been made to conform to the rules and

1 regulations of the Board, and until the Inspection Certificate
2 has been reinstated.

3 (Source: P.A. 88-608, eff. 1-1-95; 89-467, eff. 1-1-97.)

4 (430 ILCS 75/15) (from Ch. 111 1/2, par. 3216)

5 Sec. 15. Self-insurers. Any owner or user of boilers or
6 pressure vessels subject to Section 10 of this Act who
7 maintains and operates, under the supervision of one or more
8 regularly employed engineers who meet the experience and
9 education requirements of the Board, an inspection or
10 maintenance program ~~service~~ in which one or more inspectors are
11 regularly employed on inspection of boilers or pressure vessels
12 operated by the owner or user shall, upon application to the
13 Board showing that fact and showing that the owner or user has
14 the financial ability to bear any loss and to pay all final
15 judgments or awards obtained against the owner or user by
16 reason of the operation of the boilers or pressure vessels, be
17 authorized to act as a self-insurer of his or its boiler and
18 pressure vessel risk in this State; and when so authorized, the
19 owner-user shall employ special inspectors to supervise
20 inspections performed at the owner-user's facilities. The
21 owner-user and the regularly employed special inspectors shall
22 be entitled to all the rights and privileges and shall be
23 subject to all the requirements, duties, and obligations
24 provided in this Act respectively for boiler and pressure
25 vessel insurance companies and special inspectors.

26 (Source: P.A. 87-1169; 88-608, eff. 1-1-95.)

27 (430 ILCS 75/14 rep.)

28 Section 10. The Boiler and Pressure Vessel Safety Act is
29 amended by repealing Section 14.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.