

AMENDMENTS TO ARTICLE 45-12 NORTH DAKOTA BOILER RULES

Sections 45-12-01-01, 45-12-05-16, and 45-12-10-02 are amended as follows:

45-12-01-01. Definitions.

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4. "~~A.S.M.E. Code~~ code" means the ~~Boiler boiler and Pressure Vessel Construction Code~~ pressure vessel construction code of the American society of mechanical engineers of which sections I, II, IV, V, VIII (divisions 1, ~~2,~~ and 3), IX, and X, ~~2004 2007 edition and section VIII, (division 2), 2004 edition,~~ are hereby adopted by the commissioner and incorporated by reference as a part of this article. A copy of the American ~~Society of Mechanical Engineers Code~~ society of mechanical engineers code is on file at the office of the boiler inspection program. The American ~~Society of Mechanical Engineers Code~~ society of mechanical engineers code may be obtained from the American society of mechanical engineers headquarters at 3 ~~park-avenue~~ Park Avenue, New York, New York 10016-5990.

History: Effective June 1, 1994; amended effective April 1, 1996; January 1, 2000; October 1, 2002; January 1, 2006; _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-14

45-12-05-16. Factors of safety. The minimum factor of safety may not be less than four ~~and five-tenths~~ for existing installations. The commissioner authorizes an inspector to increase the factor of safety if the condition of the boiler or pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the commissioner who may request a joint inspection by the chief boiler inspector and the deputy inspector or special inspector. Each inspector shall render the inspector's report to the commissioner, and the commissioner shall render the final decision, based upon the data contained in all the inspector's reports.

History: Effective June 1, 1994; amended effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-14

45-12-10-02. Application of standards - Repairs. These rules apply only

to new construction, except as noted below:

...

2. Repairs to unfired pressure vessels and to safety and safety relief valves for those vessels:

...

- c. The National Board Inspection Code (~~ANSI/NB-23, 2004 edition~~) and the American Petroleum Institute Code (ANSI/API-510, ~~1997~~ 2004 edition) cover repair and alteration procedures. ANSI/API-510 may be used to cover the maintenance inspection, repair, alteration, and rerating procedure for pressure vessels used by the petroleum and chemical process industries. It is intended that ANSI/NB-23 cover installations other than those covered by ANSI/API-510.

History: Effective June 1, 1994; amended effective April 1, 1996; January 1, 2000; October 1, 2002; January 1, 2006; _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-14

CHAPTER 45-12-11
HOBBY BOILER OPERATOR LICENSING

<u>Section</u>	
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<u>45-12-11-03</u>	<u>Existing Operator License</u>
<u>45-12-11-04</u>	<u>Application</u>
<u>45-12-11-05</u>	<u>Term of License</u>
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45-12-11-01. Definitions.

1. “Commissioner” means the commissioner of insurance.
2. “Hobby boiler” means a hand-fired steam boiler that operates above fifteen pounds per square inch gage pressure operated during a parade, an exhibition or a threshing show where the public is invited and not otherwise exempt from North Dakota Century Code section 26.1-22.1-06.

History: Effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-09, 26.1-22.1-4

45-12-11-02. License required.

1. Except as provided in subsection three, no individual may operate a hobby boiler in this state unless licensed under this chapter.
2. The commissioner may not issue a hobby boiler license to an individual unless the individual:
 - a. Files a written application with the commissioner on a form prescribed by the commissioner;
 - b. Passes an examination developed by the commissioner and pays an examination fee of twenty-five dollars;
 - c. Provides evidence of the successful completion of one hundred twenty hours of apprenticeship training with a licensed hobby boiler operator. Training must include the following:
 - (1) Basic boiler, steam engine, and piping fundamentals;

- (2) Initial firing of the boiler with wood or coal or both and warm-up of the steam engine;
- (3) Basic operation of the boiler and steam engine to include operation of:
 - (a) Blower valve;
 - (b) Main steam valve;
 - (c) Throttle valve and governor;
 - (d) Injector and pump operation to include feedline stop and check valves;
 - (e) Gauge glass, gauge cocks, and water column;
 - (f) Safety valve and fusible plug basics;
 - (g) Blowdown valve use; and
 - (h) Steam engine operation and drain valves;
- (4) Normal shutdown procedures;
- (5) Emergency shutdown procedures;
- (6) Driving and steering to include the use of the reversing lever and stopping procedures; and
- (7) Lining up for belt operation.

Attendance at one hobby boiler training seminar approved by the commissioner may substitute for up to forty hours of apprenticeship training.

- d. Is at least sixteen years of age; and
- e. Pays a twenty-five dollar license fee.

- 3. A license is not required under this chapter if the hobby boiler operator is not a resident of this state and is qualified by reason of possessing a valid license from another state or Canadian province and this license has been approved by the commissioner.

History: Effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-09, 26.1-22.1-4

45-12-11-03. Existing operator licenses. An individual who has operated a hobby boiler within this state as of July 1, 2007, may receive a license without complying with subdivisions b and c of subsection 2 of 45-12-11-02. "Operated a hobby boiler" means demonstrated operating experience in boiler operations and maintenance that include sufficient training, observation, and personal participation to enable the individual to safely operate a hobby boiler.

History: Effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-09, 26.1-22.1-4

45-12-11-04. Application. An individual applying for a hobby boiler operator license must complete an application in the form provided by the commissioner, pay any required fee, and provide a notarized affidavit signed by a licensed North Dakota hobby boiler operator attesting to the applicant's completion of one hundred and twenty hours of training regarding the operation of a hobby boiler. The notarized affidavit need not be provided if it has already been provided by the applicant in connection with a previous application or if the applicant is applying for an existing operator license under section 45-12-11-03.

History: Effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-09, 26.1-22.1-4

45-12-11-05. Term of the license. A hobby boiler operator license is valid for six years except that an initial license expires on January first of the year after the license has been in effect for five years.

History: Effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-09, 26.1-22.1-4

45-12-11-06. License renewal. An individual may apply to renew a hobby boiler operator license for six years by submitting to the commissioner a renewal request along with a twenty-five dollar renewal fee in advance of the license expiration date.

History: Effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-09, 26.1-22.1-4

45-12-11-07. Hobby boiler operation.

1. Notwithstanding any other provision of this section and with the exception of the operation of miniature boilers, two licensed operators or a licensed operator and an apprentice operator must be in attendance on a hobby boiler during a parade or ploughing demonstration or during belt operation. At least one licensed operator must be in attendance on a hobby boiler at all other times except when it is considered safe for a hobby boiler operator to leave the hobby boiler as described in subsection two.
2. A hobby boiler operator is required to be in attendance on a hobby boiler any time the steam pressure is above 15 pounds per square inch gage and rising unless:
 - a. The water is above the one-third level in the gauge glass;
 - b. The fire is extinguished or banked;
 - c. All draft doors are closed;
 - d. The main steam outlet valve or dome valve is closed; and
 - e. The boiler pressure is at least twenty pounds per square inch gage below the safety valve set pressure and the boiler pressure is decreasing.

History: Effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-09, 26.1-22.1-4

45-12-11-08. License denial or revocation.

1. The commissioner may deny an application for a hobby boiler operator's license if the applicable requirements of North Dakota Century Code chapter 26.1-22.1 and this chapter are not met or if an applicant is not capable of operating a hobby boiler in a safe manner.
2. The commissioner may revoke a hobby boiler operator's license if the applicable requirements of North Dakota Century Code chapter 26.1-22.1 and this chapter are not met, if an operator operates a hobby boiler carelessly or negligently or otherwise endangers the health and safety of others.
3. An applicant or license holder may appeal the denial or revocation of a license by filing a written appeal with the commissioner within ten days of receipt of written notice of such a decision. Upon receipt of a timely

appeal, an administrative hearing may be conducted in the manner provided in North Dakota Century Code chapter 28-32.

History: Effective _____, 2008.

General Authority: NDCC 26.1-22.1-14

Law Implemented: NDCC 26.1-22.1-09, 26.1-22.1-4