



Recommended Boiler and Pressure Vessel Safety Legislation

THE NATIONAL BOARD

OF BOILER AND
PRESSURE VESSEL
INSPECTORS

Approved by Board of Trustees: October 25, 2004

The National Board of Boiler & Pressure Vessel Inspectors
1055 Crupper Avenue
Columbus, OH 43229-1183
Phone: (614)888-8320

*Denotes Revised Section(s)

NB-131 Revision 7

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HEADQUARTERS

1055 Crupper Avenue
Columbus, Ohio 43229-1183
Phone: 614.888.8320
Fax: 614.888.0750
Email: getinfo@nationalboard.org
Web site: nationalboard.org

TESTING LABORATORY

7437 Pingue Drive
Worthington, Ohio 43085-1715
Phone: 614.888.8320
Fax: 614.848.3474

TRAINING AND CONFERENCE CENTER

1065 Crupper Avenue
Columbus, Ohio 43229-1183
Phone: 614.888.8320
Fax: 614.847.5542

INSPECTION TRAINING CENTER

1075 Crupper Avenue
Columbus, Ohio 43229-1183
Phone: 614.888.8320
Fax: 614.431.3208

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* INTRODUCTION

In order to protect the public from boiler and pressure vessel explosions, guidelines must be in place to ensure proper construction, installation, inspection, operation, maintenance, alterations, and repairs. However, these guidelines do little to protect the public unless they are mandated by law.

In order to encourage the development of essential safety laws in jurisdictions that have no laws, rules, or regulations in the area of boiler and pressure vessel safety, the National Board published NB-131, *Recommended Boiler and Pressure Vessel Safety Legislation*, and NB-132, *Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations*. These documents may be used as guidelines to update a jurisdiction's existing requirements. It is the intent of the National Board that these guidelines will establish an efficient, uniform, and workable safety division. However, they may be modified as required to meet local jurisdictional conditions.

The Board of Trustees of the National Board established the Committee on Recommended Boiler and Pressure Vessel Safety Legislation – NB-131 and NB-132, and charged the committee with the responsibility of maintaining and revising both NB-131 and NB-132. These documents are approved by the Board of Trustees.

Questions, comments, or proposed revisions should be addressed to the executive director of the National Board.

*** JURISDICTION OF**

An act to provide for the safety of life, limb and property, and to create a board of boiler and pressure vessel rules to serve without salary; to formulate, promulgate and/or adopt rules and regulations for the safe construction, installation, operation, inspection, maintenance, alteration, and repair of boiler and pressure vessels; to assure safe operation of boilers, pressure vessels, power piping, process piping, and nuclear power systems; to provide for the enforcement of such rules and regulations; to provide for the examination and appointment of boiler and pressure vessel inspectors; to provide for the inspection of boilers, pressure vessels, and nuclear components — fees to be charged therefore, and the reports to be made thereof; to provide for inspection certificates; to provide for appeals; to provide an appropriation to carry out the provisions of the act; to provide for exclusive jurisdiction by the state; and to provide a penalty for the violation of the provisions of this act.

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SECTION I TITLE AND DEFINITIONS

This Act shall be known and may be cited as the Boiler and Pressure Vessel Safety Act and, except as otherwise herein provided, shall apply to all boilers, pressure vessels, power piping, process piping, and nuclear components. For the purpose of this Act, the following definitions apply:

1. Board – means the Board of Boiler and Pressure Vessel Rules created under this Act.
2. Certificate Inspection – an inspection, the report of which is used by the chief inspector to determine whether or not a certificate, as provided in subsection (B) of Section XIII, may be issued.
3. Chief Inspector – an official appointed under this Act charged with the enforcement of the provisions of this Act.
4. Place of Public Assembly – a building or area open to the public for trade or commerce. Including but not limited to schools, childcare centers, hospitals, nursing and boarding houses, churches, theaters, sports arenas, colleges and institutions, and any building or area in which persons may assemble for civic, educational, religious, or recreational purposes, or in which passengers may await transportation.

SECTION II EXEMPTIONS

This Act shall apply to all boilers and pressure vessels except those under federal control or regulation or those exempt by administrative rules.

SECTION III BOARD OF BOILER AND PRESSURE VESSEL RULES

*1. There is hereby created a Board of Boiler and Pressure Vessel Rules which shall hereinafter be referred to as the Board. The Board shall consist of nine members, all of whom shall have experience in design, construction, inspection, and repair or operation of boilers or pressure vessels. The members of the Board shall be appointed by the governor as follows:

- A. two for a term of one year;
- B. two for a term of two years;
- C. two for a term of three years; and
- D. three for a term of four years.

At the expiration of their respective terms of office, they or their successors, identifiable with the same interest respectively as hereinafter provided, shall be appointed for terms of four years each. The governor may at any time remove any member of the Board for neglect of duty or other just cause.

Upon death or incapacity of any member, the governor shall fill the vacancy for the remainder of the term with a representative of the same interests with which his predecessor was identified. Of these nine appointed members:

- A. one shall be a representative of owners or users of power boilers having experience with such boilers;
- B. one shall be a representative of installers and repairers of boilers or pressure vessels;
- C. one shall be a representative of heating boiler contractors;
- D. one shall be a representative of owners or users of pressure vessels having experience with such vessels;
- E. one shall be a representative of boiler or pressure vessel manufacturers;
- F. one shall be an operating engineer who is directly in charge of the operation of a power generating system;

- G. one shall be a representative of the crafts involved in the construction, repair, or operation of boilers and pressure vessels;
- H. one shall be a National Board commissioned inspector representative of a company authorized to inspect boilers and pressure vessels in this jurisdiction;
- I. one shall represent the public, such as a mechanical engineer on the faculty of a recognized engineering college within the jurisdiction, or a licensed professional engineer.

The Board shall elect one of its members to serve as chair for a term not exceeding four years.

The chief inspector shall act as secretary of this Board, without vote.

The Board shall meet at least two times each year at the capitol or other place as designated by the chair. The chair may call special meetings as deemed necessary. No approval, decision or ruling of the Board shall be effective unless supported by the vote of at least five members thereof.

- 2. The members of the Board shall serve without salary and shall receive their actual traveling and hotel expenses incurred while in the performance of their duties as members of the Board, to be paid in the same manner as in the case of other jurisdictional officers.

SECTION IV RULES AND REGULATIONS

- *1. Formulation. The Board shall formulate and adopt definitions, rules, and regulations to assure safe construction, installation, operation, inspection, alteration, and repair of boilers, pressure vessels, and nuclear components in this jurisdiction.
 - A. The definitions, rules, and regulations so formulated shall be based upon and follow generally accepted national engineering standards, formulae, and practices relating to boiler, pressure vessel, power piping, process piping, and nuclear component construction, installation, inspection, repair, and safety. The Board may adopt the following standards, including revisions, addenda, and code cases as the rules for this jurisdiction.
 - 1. *ASME Boiler and Pressure Vessel Code* published by the American Society of Mechanical Engineers (ASME);
 - 2. *ASME B31.1 Code for Power Piping*;
 - 3. *ASME B31.3 Code for Chemical Plant and Petroleum Refinery Piping*;

4. *ASME CSD-1 Code for Controls and Safety Devices for Automatically Fired Boilers;*
5. *National Board Inspection Code (NBIC), NB-23 of The National Board of Boiler and Pressure Vessel Inspectors (National Board);*
6. *National Board NB-263 Rules for Commissioned Inspectors;*
7. *National Board NB-264 Criteria for Registration of Boiler, Pressure Vessels and Pressure-Retaining Items;*
8. *National Board NB-360 Criteria for Acceptance of Authorized Inspection Agencies (AIAs) for New Construction;*
9. *National Board NB-369 Qualifications and Duties for Authorized Inspection Agencies (AIAs) Performing Inservice Inspection Activities and Qualifications for Inspectors of Boilers and Pressure Vessels;*
10. *National Board NB-371 Accreditation of Owner-User Inspection Organizations (OUIO);*
11. *National Board NB-5000 Criteria for Certification of Pressure Relief Devices;*
12. *API-510 Pressure Vessel Inspection Code of the American Petroleum institute (API);*
13. *API-570 Piping Inspection Code;*
14. *API-RP 579 Fitness-for-Service;*
15. *ANSI Z21.13 Gas-Fired Low-Pressure Steam and Hot Water Boilers;*
16. *ANSI Z21.56 Gas-Fired Pool Heaters (ANSI);*
17. *NFPA 31 Oil Burning Equipment;*
18. *ANSI Z223.1/NFPA 54 National Fuel Gas;*
19. *NFPA-58 Liquefied Petroleum Gases;*
20. *NFPA-85 Boiler and Combustion Systems Hazards Code;*
21. *International Fuel Gas Code (IFGC).*

The Board is encouraged to adopt subsequent revisions to National Standards that have been adopted into the rules. When so adopted, the revisions shall be deemed incorporated into and shall constitute a part of the whole of the definitions, rules, and regulations of the Board.

B. The Board shall formulate rules and regulations to ensure that all boiler or pressure vessel manufacturers, power piping and process piping fabricators, and nuclear component manufacturers, jobbers, dealers, or individuals selling or offering for sale or operation any boiler, pressure vessel, power piping, process piping, nuclear component or overpressure protection devices within the scope of this Act, meet the requirements of this Act and rules and regulations hereinafter adopted. Any manufacturer, fabricator, jobber, dealer, or individual found to be in violation of this section shall be guilty of a felony. The Board shall endeavor to modify existing rules and regulations, as appropriate, to keep them current with recognized accepted National Standards.

C. The Board shall formulate rules and regulations which may permit the use of boilers, pressure vessels, power piping and process piping, and nuclear components that were in operation in this jurisdiction prior to the date upon which the first rules and regulations under this Act pertaining to existing installations became effective, or during the 12-month period immediately thereafter.

2. Promulgation. The rules and regulations and any subsequent amendments thereto formulated or adopted by the Board shall, immediately following a hearing upon not less than 30 days' notice as hereinafter provided, be approved and published and when so promulgated shall have the force and effect of law, except that the rules applying to the construction of new boilers, pressure vessels, power piping and process piping, and nuclear components shall not become mandatory until six months after their promulgation by the Board. Notice of the hearing shall give the time and place of the hearing and shall state the matters to be considered thereat. Such notice shall be given by publication in one or more newspapers of general circulation in this jurisdiction at least 30 days prior to such hearing. In addition, such notice shall be given to all persons who have so requested in writing.

3. Amendments. Subsequent amendments to the rules and regulations adopted by the Board shall be permissive immediately and shall become mandatory six months after their promulgation.

* SECTION V NEW INSTALLATIONS

1. Twelve months from the date upon which the rules and regulations under this Act become effective, all new boilers, pressure vessels, power piping and

process piping, and nuclear components for use in this jurisdiction shall conform to such rules and regulations.

2. If a boiler, pressure vessel, power piping and process piping system, or nuclear component is of special design or construction and cannot comply with the construction requirements of the rules and regulations of this Act, a special installation and operating permit may be granted by the Board at its discretion, provided the user presents evidence of safe construction acceptable to the Board prior to the construction of such boiler, pressure vessel, piping system, or nuclear component.

SECTION VI EXISTING INSTALLATIONS

1. The maximum allowable working pressure of a boiler or nuclear component stamped with the ASME Code symbol or a pressure vessel stamped with the ASME or API/ASME Code symbols shall be determined by the applicable sections of the code under which it was constructed and stamped.
2. The maximum allowable working pressure of a boiler, pressure vessel, or nuclear component which is not stamped and does not carry the ASME or the API/ASME Code symbol shall be computed in accordance with standard engineering practices established in rules adopted by the Board based on recommendations of NB-23 or API-510 as applicable.
3. This Act shall not be construed as in any way preventing the use, sale or reinstallation of a boiler, pressure vessel or nuclear component, provided the Board gives a specific ruling that such boiler, pressure vessel or nuclear component conforms to its rules and regulations and further, upon inspection, it has been found to be in safe condition.

* SECTION VII CHIEF INSPECTOR

1. How Appointed. Within 60 days after the passage of this Act and at any time thereafter that the office of the chief inspector may become vacant, the shall appoint a citizen of this jurisdiction, or, if not available, a citizen of another jurisdiction, who shall have had at the time of such appointment not less than 10 years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels, and who shall meet the requirement of Section X of this Act. Such chief inspector may be removed for neglect of duty or other just cause after due investigation by the Board and their recommendation to the
2. Powers. The chief inspector, under the direction of, shall:
 - A. take action necessary for the enforcement of this Act and rules and regulations of the Board;

- B. keep a complete record of the name and address of the owner or user, location, type, dimensions, maximum allowable working pressure, age, dates of installation, and last recorded inspection of all boilers, pressure vessels, and nuclear components to which the Act applies;
- C. make available upon request copies of the rules and regulations promulgated by the Board;
- D. issue, suspend, or revoke for cause inspection certificates as provided for in Section XIV of this Act;
- E. cause the prosecution of violators of the provisions of this Act, rules, and regulations;
- F. act as secretary of the Board of Boiler and Pressure Vessel Rules;
- G. draw upon the state treasury for funds necessary to meet the expenses authorized by this Act, which shall include the necessary traveling expenses of the chief inspector, deputy inspectors, staff, Board of Boiler and Pressure Vessel Rules and the expenses incident to the maintenance of the office.

SECTION VIII DEPUTY INSPECTORS

The shall employ deputy inspectors who shall meet the requirements of Section X and be responsible to the chief inspector.

* SECTION IX SPECIAL AND OWNER-USER INSPECTORS

1. Special Inspectors

- A. Certificates of competency designating special inspectors of boilers and pressure vessels may be issued by the upon request of any authorized inspection agency which has been licensed or registered by the appropriate authority of this jurisdiction.
- B. Before receiving a certificate of competency, each inspector shall meet the requirements of Section X of this Act, or shall hold a commission or certificate of competency as an inspector of boilers or pressure vessels from a jurisdiction that has a standard of examination equal to that of this jurisdiction, or a commission as an inspector of boilers and pressure vessels issued by The National Board of Boiler and Pressure Vessel Inspectors.

- C. Special inspectors shall not receive any salary or expenses from this jurisdiction. Special inspector certificates of competency shall be valid only as long as such special inspectors are employed by only one authorized inspection agency.
- D. Special inspectors shall inspect all boilers, pressure vessels and nuclear components as agreed to be inspected by their respective authorized inspection agency. All boilers, pressure vessels and nuclear components, when so inspected, shall be exempt from the payment to the jurisdiction for inspection fees. Special inspectors may conduct shop or field inspections of new boilers, pressure vessels or nuclear components in accordance with the applicable ASME Code requirements.

2. Owner-User Inspectors

- A. Certificates of competency designating owner-user inspectors of boilers and/or pressure vessels shall be issued by the upon request of any company operating boilers and/or pressure vessels in this jurisdiction. The owner or user shall maintain a regularly established inspection department which is under the supervision of one or more technically competent individuals whose qualifications and whose organization and inspection procedures are acceptable to the Board. Boilers and/or pressure vessels shall be inspected regularly and in accordance with applicable provisions of the rules and regulations adopted by the Board pursuant to Section IV of this Act.
- B. Before receiving a certificate of competency, each inspector shall meet the requirements of Section X of this Act, or shall hold a certificate of competency as an inspector from a jurisdiction that has a standard of examination equal to that of this jurisdiction.
- C. A certificate of competency as an owner-user inspector shall be issued only if, in addition to meeting the requirements in 2A and 2B above, the inspector is regularly employed by the company and is responsible for making inspection of boilers and/or pressure vessels used by such company.
- D. Owner-user inspectors shall not receive any salary or expenses from this jurisdiction and a certificate of competency shall be valid only as long as such owner-user inspector is employed regularly by a qualified owner-user inspection organization, in accordance with the applicable provisions of the rules and regulations adopted by the Board pursuant to Section IV of this Act.

3. Statutory Immunity for Inspector The furnishing or failure to furnish by an inspection agency or organization, its employee, or agent; the failure to

furnish, the making of or the failure to make any statement, recommendation, or report in connection with any inspection of boiler or pressure vessel pursuant to [insert citation of the jurisdictional law requiring or permitting the inspection agency or organization to inspect] shall not subject the inspection agency or organization, whether domestic or foreign, its employees, or agents to liability for damages of nature, including, but not limited to, damages because of injury or death, loss of or damage to real or personal property, or loss of income, resulting from act or omission of the inspection agency or organization, employee, or agent. This section shall not apply in event the active negligence of the inspection agency or organization, its employee, or agent during the actual inspection constituted the proximate cause of injury, death, loss, or damage.

* SECTION X QUALIFICATION AND EXAMINATION

The qualification and examination for chief, deputy, or special inspector shall meet the requirements of the *National Board Rules for Commissioned Inspectors* (NB-263). The qualification and examination for owner-user inspectors may meet the requirements of the National Board's NB-263 or API-510.

SECTION XI SUSPENSION OR REVOCATION OF CERTIFICATE OF COMPETENCY

1. An inspector's certificate of competency may be suspended by the after due investigation and recommendation by the Board for the incompetence or untrustworthiness of the inspector, or for the willful falsification of any matter or statement contained in an application or a report of any inspections made by the inspector. Written notice of any such suspension shall be transmitted by the to the inspector and the employer not more than 10 days following the suspension. A person whose certificate of competency has been suspended shall be entitled to an appeal to the Board, as provided in Section XVIII of this Act. The inspector may be present and represented by counsel at the hearing of the appeal.
2. If the Board has sufficient reason to believe that an inspector is no longer qualified to hold a certificate of competency, the Board shall hold a hearing with not less than 10 days' written notice to the inspector and the employer, and the inspector and the employer shall have an opportunity to be heard. After the hearing, if the Board finds that the inspector is no longer qualified to hold a certificate of competency, the Board shall recommend to the.... that such certificate be revoked immediately by the
3. A person whose certificate of competency has been suspended shall be entitled to apply, after 90 days from the date of such suspension, for reinstatement of such certificate of competency.

SECTION XII REPLACEMENT OF CERTIFICATE OF COMPETENCY

If a certificate of competency is lost, stolen, or destroyed, a new certificate of competency may be issued without reexamination.

SECTION XIII INSPECTION OF BOILERS AND PRESSURE VESSELS

1. The, the chief inspector, or any deputy inspector shall have free access, during reasonable hours, to any premises in the jurisdiction where a boiler, pressure vessel, power piping or piping process system, or nuclear component is being constructed for use in, or is being installed in, this jurisdiction, for the purpose of ascertaining whether such boiler, pressure vessel, power or piping process system, or nuclear component is being constructed and installed in accordance with the provisions of this Act.
2. On and after, each boiler, pressure vessel, and nuclear component covered by this Act shall be thoroughly inspected as to its construction, installation, and condition as follows:
 - A. Except as permitted in B and C below, power boilers and high-temperature boilers shall receive a certificate inspection annually which shall be an internal inspection where construction permits; otherwise, it shall be as complete an inspection as possible. Such boilers shall also be externally inspected annually while under pressure, if possible.
 - B. Fully attended power boilers and high-temperature boilers may be extended to thirty-six months (36) if the following requirements are met:
 1. Continuous boiler water treatment under the direct supervision of persons trained and experienced in water treatment for the purpose of controlling and limiting corrosion and deposits.
 2. Recordkeeping available for review, showing:

The date and time the boiler is out of service and the reason therefore.

Daily analysis of water samples that adequately show the conditions of the water and elements or characteristics that are capable of producing corrosion or other deterioration to the boiler or its parts.
 3. Controls, safety devices, instrumentation, and other equipment necessary for safe operation are up-to-date, in-service, calibrated, and meet the requirements of an appropriate safety code for that size boiler, such as NFPA 85, ASME CSD-1 *Controls and Safety Devices for Automatically Fired Boilers*, National Board Inspection Code ANSI/NB-23, jurisdictional requirements, and are not compromised.

- C. Inspection intervals beyond the thirty-six (36) months may be granted at the discretion of the Board.
- D. Low-pressure steam or vapor heating boilers shall receive a certificate inspection at least every two years, except boilers located in places of public assembly shall receive a certificate of inspection annually, with an internal inspection at least every two years where construction permits.
- E. Unless exempted under this act, hot water heating boilers, hot water supply boilers, hot water heaters, and hot water storage tanks shall receive a certificate inspection biennially with an internal inspection at the discretion of the inspector.
- F. Frequency of internal and external inspections of pressure vessels, including unfired boilers, shall be set by the Board, based on NB-23 or API-510, as applicable.
- G. Nuclear components within the scope of Section XI of the ASME Code shall be inspected at intervals acceptable to the Board and reported in such form and with such appropriate information as the Board shall designate.
- H. A grace period of two months beyond the periods specified is permitted; however, the inspection certificate due date shall not be affected.
- I. The Board may provide for longer periods between certificate inspections in its rules and regulations for specific boilers, pressure vessels, and nuclear systems.
- J. Under the provisions of this Act, the Board is responsible to provide rules for the safety of life, limb, and property and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules and regulations which the Board promulgated. Inspection during construction and installation shall certify as to the minimum requirements for safety as defined in the ASME Code or other construction standard acceptable to the Board. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions, such as:
 - 1. previous experience based on records of inspection, performance, and maintenance;
 - 2. location with respect to personnel hazard;
 - 3. quality of inspection and operating personnel;

4. provision for related safe operating controls; Based upon documentation of such actual service conditions by the owner or user of the operating equipment, the Board may, in its discretion, permit variations in the inspection requirements.
3. The inspections herein required, including shop inspections, shall be made by the chief inspector, deputy inspector, or a special inspector as provided for in this Act.
4. Owner-user inspection of boilers and/or pressure vessels is permitted provided the owner-user inspection organization is regularly established and is under the supervision of one or more individuals whose qualifications are satisfactory to the Board and said owner or user causes the boilers and/or pressure vessels to be inspected in conformance with the National Board Inspection Code or API-510, as applicable.
5. If, at the discretion of the inspector, a pressure test shall be deemed necessary, it shall be made by the owner or user of the boiler or pressure vessel before an inspection certificate is issued.
6. All boilers (other than cast-iron sectional boilers), pressure vessels, and nuclear systems to be installed in this jurisdiction after the 12-month period from the date upon which the rules and regulations of the Board become effective shall be inspected during construction as required by the applicable rules and regulations of the Board by an inspector authorized to inspect boilers and pressure vessels in this jurisdiction or, if constructed outside of the jurisdiction, by an inspector holding a valid commission issued by The National Board of Boiler and Pressure Vessel Inspectors.

* SECTION XIV INSPECTION REPORTS - INSPECTION CERTIFICATES

1. Each authorized inspection agency employing special inspectors meeting the requirements of Section IX(1) of this Act, and each deputy inspector meeting the requirements of Section VIII of this Act shall, within 30 days following each certificate inspection made by such inspectors, file a report of the inspection with the chief inspector upon appropriate forms or other accepted methods (e.g., electronic means). The filing of reports of external inspections other than certificate inspections shall not be required except where such inspections disclose that the boiler, pressure vessel, or nuclear component is not in compliance with the rules adopted by the Board.
2. Each owner-user inspection organization employing owner-user inspectors meeting the requirements of Section IX(2) of this Act shall:

- A. retain, on file, at the location where equipment is inspected, a true record or copy of the report of each inspection signed by the inspector who made the inspection;
- B. promptly notify the chief inspector of any boiler or pressure vessel that does not meet requirements for safe operation;
- C. maintain inspection records which will include a list of boilers and pressure vessels covered by the Act, showing a serial number and such abbreviated description as may be necessary for identification, the date of the last inspection of each unit, and the approximate date for the next inspection. Such inspection records shall be readily available for examination by the chief inspector or authorized representative during business hours;
- D. transmit a statement annually, on a date mutually agreed upon, with the chief inspector. Such statement shall be signed by the individual having supervision over the inspections made during the period covered. The statement shall include the number of vessels covered by this Act inspected during the year, and shall certify that each inspection was conducted in accordance with the inspection requirements provided for by the Act. Such annual statement shall be accompanied by a filing fee as established by the Board.

Inspection certificates are not required for boilers and pressure vessels inspected by an owner-user inspection organization when all of the above requirements are met.

- 3. If the report filed pursuant to subsection (A) of this section shows that a boiler, pressure vessel, or nuclear system is found to comply with the rules and regulations of the Board, and upon payment by the owner or user of the fee prescribed by the Board, the chief inspector or his/her duly authorized representative shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler, pressure vessel or nuclear component may be operated. Such inspection certificate shall be valid for a period consistent with the certificate inspection frequency as required by Section XIII of this Act. In the case of those boilers, pressure vessels, and nuclear components covered by Section XIII of this Act for which the Board has established or extended the operating period between required inspections, the inspection certificate shall be valid for a period of not more than two months beyond the period set by the Board. Boiler, pressure vessel, and nuclear system inspection certificates shall be filed where they will be readily accessible for examination by the chief inspector or an authorized representative.

4. The or his/her authorized representative may at any time suspend an inspection certificate after showing cause that the boiler, pressure vessel, or nuclear system for which it was issued cannot be operated without menace to the public safety, or when the boiler, pressure vessel, or nuclear system is found not to comply with the rules and regulations herein provided. Each suspension of an inspection certificate shall continue in effect until such boiler, pressure vessel, or nuclear system shall have been made to conform to the rules and regulations of the Board, and until said inspection certificate shall have been reinstated.

* SECTION XV INSPECTION CERTIFICATE - VIOLATION/PENALTY

After 12 months for power boilers and low-pressure steam or vapor heating boilers located in places of public assembly; 24 months for low-pressure steam heating, hot water heating and hot water supply boilers, water heaters, and hot water storage tanks; 36 months for pressure vessels; and 12 months for nuclear components following the date on which this Act becomes effective, it shall be unlawful for any person, firm, partnership or corporation to operate in this jurisdiction a boiler, pressure vessel, or nuclear component covered by this Act, except a pressure vessel covered by owner-user inspection organization as provided for in Section XIV, without a valid inspection certificate. The operation of a boiler, pressure vessel, or nuclear component without such inspection certificate, or at a pressure exceeding that specified in such certificate, or in violation of this Act or the rules and regulations promulgated under it, shall constitute a misdemeanor on the part of the owner, user, or operator thereof and shall be punishable by a fine not to exceed dollars (\$), or imprisonment not to exceed, or both, at the discretion of the court. Each day of such unlawful operation may be deemed a separate offense.

* SECTION XVI FEES

1. The Board shall establish fees for inspection certificates, certificate inspections, shop inspections, inspections of secondhand or used boilers, pressure vessels, or nuclear components, and special inspections made by the chief inspector or his/her deputy which may be necessary to carry out the provisions of this Act. The owner or user of the boiler, pressure vessel, or nuclear component, upon completion of the inspection, shall pay directly to, the fee established by the Board, in addition to traveling expenses, the cost of meals and lodging, and other incidental expenses incurred by the chief inspector or his/her deputy inspector.
2. Disposition of Fees. The shall account for and transfer all fees so received to the treasurer of the jurisdiction.

* SECTION XVII CHIEF INSPECTOR AND DEPUTY INSPECTORS TO FURNISH BONDS

The chief inspector shall furnish a bond in the sum of dollars (\$) and each of the deputy inspectors employed by the jurisdiction shall furnish a bond in the sum of dollars (\$), conditioned upon the faithful performance of their duties and upon a true account of monies handled by them respectively, and the payment thereof to the proper recipient. The cost of said bonds shall be paid by the treasurer of the jurisdiction.

* SECTION XVIII APPEALS

Any person aggrieved by an order or action of the or the chief inspector, under this Act, may, within 60 days after notice thereof, appeal such order or action to the Board which shall, within 60 days thereafter, issue an appropriate decision either approving or disapproving said order or action. A copy thereof shall be given to all interested parties. Within 60 days after an order or action of the Board, any person aggrieved thereby may file a petition in the Court of the...., for a review thereof. The Court shall summarily hear the petition and may make any appropriate order or decree.

SECTION XIX APPROPRIATION

The sum of dollars (\$), or as much thereof as may be necessary, is hereby appropriated for the preparation, printing and distribution of the rules and regulations promulgated by the Board and for the purpose of carrying out all the other provisions of this Act.

* SECTION XX EXCLUSIVE JURISDICTION

No city, town, or other governmental subdivision shall have the power to make any laws, ordinances or resolutions providing for the construction, installation, inspection, maintenance and repair of boilers, pressure vessels, and nuclear components within the limits of such city, town, or governmental subdivision. Any such laws, ordinances, or resolutions heretofore enacted or passed shall be of no effect.

SECTION XXI REPEAL CLAUSE

All acts and parts thereof inconsistent with any provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION XXII CONSTITUTIONALITY OF ACT

The fact that any section, subsection, sentence, clause or phrase of this Act is declared unconstitutional or invalid for any reason shall not affect the remaining portions of this Act.