

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 982 of 1999
HOUSE BILL 1868

5 By: Representatives Laverty, Faris, Simmons, Creekmore, Pappas
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE BOILER SAFETY
10 LAW, ARKANSAS CODE 20-23-101 ET SEQ.; TO UPDATE AND
11 MODIFY CERTAIN REQUIREMENTS REGARDING BOILER SAFETY;
12 AND FOR OTHER PURPOSES."
13

Subtitle

14 "THE BOILER OMNIBUS ACT."
15
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code 20-23-101 is amended to read as follows:

21 "20-23-101. Definitions.

22 As used in this chapter, unless the context otherwise requires:

23 (1) 'Boiler', 'boilers', or 'steam boilers' means any boiler or like
24 vessel or container in which water is heated or steam is generated by the
25 application of heat and shall mean any unfired pressure vessels constructed ~~of~~
26 ~~metal~~ for the accumulation, storage, or transportation of air, liquids, or
27 gases that are under induced pressure;

28 (2) 'Horsepower' means the evaporation of thirty-four and one-half
29 pounds (34 1/2 lbs.) of water from a temperature of two hundred twelve degrees
30 Fahrenheit (212°F) into steam at two hundred twelve degrees Fahrenheit (212°F)
31 at fourteen and seven-tenths pounds per square inch absolute (14.7 PSIA);

32 (3) 'Internal' and 'external' inspection means a thorough and proper
33 inspection as provided for in the rules and regulations by the Boiler Advisory
34 Board;

35 (4)(A) 'Pressure piping' means power ~~and auxiliary service~~ piping
36 systems and their component parts within or forming a part of the pressure

1 piping system connected to any boiler or unfired pressure vessel covered by
 2 the provisions of this chapter.

3 (B) This includes only boiler external piping for power boilers
 4 and high temperature, high pressure water boilers in which:

5 (i) Steam or vapor is generated at a pressure of more than
 6 fifteen pounds per square inch gauge pressure (15 PSIG); and

7 (ii) High temperature water is generated at pressures
 8 exceeding one hundred sixty pounds per square inch gauge pressure (160 PSIG)
 9 and/or temperatures exceeding two hundred fifty degrees Fahrenheit (250°F) or
 10 one hundred twenty degrees centigrade (120°C).

11 (C) Boiler external piping shall be considered as that piping
 12 which begins where the boiler proper terminates; ~~and at:~~

13 (i) The first circumferential joint for welding end
 14 connections; or

15 (ii) The face of the first flange in bolted flanged
 16 connections; or

17 (iii) The first threaded joint in that type of connection,
 18 and which extends up to and including the valve or valves required by
 19 regulation.

20 (5) 'Pressure Vessel' means any unfired pressure vessel; and

21 ~~(5)~~(6) 'PSIG' means pounds per square inch gauge pressure."

22
 23 SECTION 2. Arkansas Code 20-23-102 is amended to read as follows:
 24 "20-23-102. Exceptions.

25 (a) The provisions of this chapter shall not apply to:

26 (1) Inspection and installation permit requirements on air storage
 27 vessels located in service stations and garages;

28 (2) Air tanks of twelve (12) gallons or less containing one
 29 hundred fifty (150) PSI or less;

30 (3) Boilers and unfired pressure vessels which are under the
 31 inspection regulations of the Interstate Commerce Commission of the United
 32 States Government;

33 (4) Boilers and unfired pressure vessels used for domestic
 34 purposes in private residences and apartment houses of eight (8) or fewer
 35 apartments;

36 (5) Unfired pressure vessels, other than air tanks or vessels

1 listed above in this subsection, where the maximum allowable working pressure
 2 is fifteen (15) PSI or less or a volume of five (5) cubic feet or less, or
 3 coil-type steam generators without accumulative drum, or to vessels used in
 4 connection with or the storage of liquefied petroleum gases. However, all such
 5 unfired pressure vessels shall be constructed in compliance with the
 6 appropriate regulations applicable thereto;

7 (6) Hot water heaters under two hundred thousand (200,000) British
 8 Thermal Units (BTUs), except those heaters located in hospitals, schools, day
 9 care centers, and nursing homes;

10 (7) Hot water supply storage tanks which are heated by steam or
 11 any other direct or indirect means, when heat input is less than two hundred
 12 thousand (200,000) British Thermal Units per hour (BTU/hr), water temperature
 13 of less than two hundred ten (210) degrees Fahrenheit, and the vessel has
 14 nominal water containing capacity of less than one hundred twenty (120)
 15 gallons;

16 (8)(A) Pressure vessels which are an integral part of components
 17 of rotating or reciprocating mechanical devices and hydraulic or pneumatic
 18 cylinders where the primary design considerations and/or stress are derived
 19 from the functional requirements of the device; or

20 (B) Pressure vessels which are an integral part of the
 21 structure that have a primary function of transporting fluids from one
 22 location to another within a system; and

23 (9) Vessels with a nominal water containing capacity of one
 24 hundred twenty (120) gallons or less for containing water under pressure,
 25 including those containing air, the compression of which serves only as a
 26 cushion.

27 (b) The provisions of this chapter shall not apply to inspection,
 28 installation permit requirements, or regulation of boilers and unfired
 29 pressure vessels used in connection with the production, distribution,
 30 storage, or transmission of oil, natural gas, or casinghead gas."

31
 32 SECTION 3. Arkansas Code 20-23-103 is amended to read as follows:

33 "20-23-103. Enforcement.

34 (a) The criminal penalties provided by this chapter shall be enforced by
 35 the prosecuting attorney of each judicial district, ~~or.~~ The administrative
 36 penalties provided by this chapter shall be imposed pursuant to regulation of

1 the Director of the Department of Labor, for the State of Arkansas ~~in the same~~
 2 ~~manner as all other misdemeanors are prosecuted and penalties enforced.~~

3 (b) ~~Where the prosecution is by the~~ The Director of the Department of
 4 ~~Labor or his authorized representative,~~ may collect an administrative penalty
 5 imposed pursuant to this chapter in a civil action in a court of competent
 6 jurisdiction, and he shall not be required to pay costs or enter a bond for
 7 payment of costs."

8
 9 SECTION 4. Arkansas Code 20-23-104 is amended to read as follows:

10 "20-23-104. Periodic or regular attendance.

11 (a) All boilers subject to the provisions of this chapter shall either
 12 be continuously monitored by ~~a mechanical or~~ and ~~electronic devices~~ approved
 13 by the Director of the Department of Labor, ~~or be checked at least once each~~
 14 ~~hour when~~ When a plant is in operation or when any public building is
 15 occupied, ~~provided the boilers are equipped with approved type automatic~~
 16 ~~appliances~~ the boilers shall be under regular attendance by a boiler operator
 17 unless otherwise exempt.

18 (b) Boilers that are manually operated must be under constant attendance
 19 whenever they are in use for any purpose.

20 (c) ~~Boilers~~ All steam boilers fifty (50) horsepower and over, as rated
 21 by the manufacturer in any location, and steam boilers used in hospitals,
 22 hotels, schools, theatres, and office buildings, but not limited to these
 23 places, must be under regular attendance by a licensed operator who holds a
 24 certificate of competency issued by the Boiler Inspection Division."
 25

26 SECTION 5. Arkansas Code 20-23-201 is amended to read as follows:

27 "20-23-201. Boiler Advisory Board - Creation - Duties.

28 (a)(1) There is created a Boiler Advisory Board.

29 (2) The board shall be appointed by the Governor. ~~In addition to~~
 30 ~~the~~ The Director of the Department of Labor or his designee, ~~who~~ shall be ex
 31 officio chairman, ~~the~~ The Boiler Advisory Board shall consist of five (5)
 32 members.

33 (A) One (1) member of the board, who must be employed by an
 34 insurance company insuring ~~steam~~ boilers, and who must have had issued to him
 35 a certificate of competency and commission as an inspector of ~~steam~~ boilers,
 36 shall represent insurance companies insuring ~~steam~~ boilers;

1 (B) A second member, who must be an owner or official of a
 2 concern using at least two hundred (200) boiler horsepower and who must have
 3 had ten (10) years' experience in the operation of boilers, shall represent
 4 concerns using ~~steam~~ boilers;

5 (C) A third member, who must have had ten (10) years'
 6 experience in the construction of boilers, shall represent the boiler
 7 manufacturers or boilermakers;

8 (D) A fourth member, who must have had ten (10) years'
 9 experience in the operation of boilers, shall represent the operating
 10 engineers; and

11 (E) A fifth member, who shall be an anhydrous ammonia
 12 dealer, shall represent the anhydrous ammonia industry.

13 (3) The terms of office of the five (5) members so appointed shall
 14 be for five (5) years and shall commence on date of appointment and shall be
 15 arranged in such manner that the term of one (1) of such members shall expire
 16 on January 14 of each year.

17 (b) The duties of the Boiler Advisory Board shall be:

18 (1) To assist with the formulation of rules and regulations of the
 19 construction, installation, inspection, repair, and operation of ~~steam~~ boilers
 20 and unfired pressure vessels and their appurtenances, and of pressure piping,
 21 as set out in this chapter;

22 (2) To assist in giving examinations to applicants seeking
 23 certificates of competency and commissions as inspectors of ~~steam~~ boilers; and

24 (3) To give such counsel and advice as will aid the chief
 25 inspector in the performance of his duties.

26 (c) The Boiler Advisory Board may not meet more often than four (4)
 27 times a year at the call of the chief inspector who shall designate in the
 28 call the time and place of the meeting.

29 (d) The members of the Boiler Advisory Board, except the ex officio
 30 chairman, may receive expense reimbursement and stipends in accordance with §
 31 25-16-901 et seq."

32
 33 SECTION 6. Arkansas Code 20-23-202 is amended to read as follows:

34 "20-23-202. Chief inspector, deputy inspector, etc.

35 (a) When the office of chief inspector becomes vacant, the Director of
 36 the Department of Labor shall appoint, and may remove for cause when so

1 appointed, a citizen of the State of Arkansas to be Chief Inspector of the
2 Boiler Inspection Division of the department. The chief inspector must be a
3 qualified boilermaker who has had at the time of the appointment not less than
4 ten (10) years' experience in the construction, maintenance, installation, and
5 repair of high pressure ~~steam~~ boilers and unfired pressure vessels, of which
6 at least three (3) years has been in the inspection of ~~steam~~ boilers.

7 (b) The chief inspector is authorized and empowered to employ a
8 technical assistant and deputy inspectors of boilers who shall have had at
9 time of employment not less than five (5) years' experience in the
10 construction, maintenance, installation, and repair of high pressure boilers
11 and unfired pressure vessels. They also shall have passed a written
12 examination.

13 (1) The examination shall conform to standards not exceeding those
14 prescribed by the Boiler Code of the American Society of Mechanical Engineers.
15 It shall test their knowledge of the construction, installation, maintenance,
16 and repair of ~~steam~~ boilers and their appurtenances.

17 (2) The number of deputies shall be determined by the income and
18 work necessary to be performed by the Boiler Inspection Division.

19 (3) The chief inspector is also empowered to employ a secretary,
20 chief clerk, bookkeeper, and stenographers as necessary to perform the office
21 work of the Boiler Inspection Division.

22 (4) The salaries are to be approved by the General Assembly.

23 (c) The Chief Inspector of the Boiler Inspection Division shall furnish
24 a bond in the sum of five thousand dollars (\$5,000), and each of the deputy
25 inspectors shall furnish a bond in the sum of two thousand dollars (\$2,000),
26 conditioned upon the faithful performance of their duties and upon a true
27 account of all moneys handled by them respectively, and the payment thereof to
28 the proper recipient. The bonds shall be approved by the Attorney General and
29 deposited with the Secretary of State.

30 (d) The chief boiler inspector, with the technical assistant, deputy
31 boiler inspectors, chief clerk, secretary, bookkeeper, and stenographers shall
32 constitute the Boiler Inspection Division of the Department of Labor. The
33 salaries of the chief inspector, technical assistant, deputy inspectors, chief
34 clerk, secretary, bookkeeper, and stenographers, together with the necessary
35 expenses of the Boiler Inspection Division, shall be paid out of the fees, for
36 which provision is made in this chapter."

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SECTION 7. Arkansas Code 20-23-203 is amended to read as follows:

"20-23-203. Chief inspector's duty to inspect and enforce.

(a) The Chief Inspector of the Boiler Inspection Division, either personally or by the deputy inspector of the division, shall carefully inspect internally and externally, once annually, every ~~steam~~ boiler and steam generating apparatus. The chief inspector or his deputy shall also inspect once biennially every unfired pressure vessel located in this state which is not excepted from the inspections by the provisions of this chapter and shall give the owner or operator of the boiler notice of the time when the inspection will be made.

(b) The chief inspector shall have free access at all reasonable times for himself and his deputies to any premises in this state where a boiler or pressure piping is being built or where a boiler or pressure piping or power plant apparatus is being installed or operated, for the purpose of ascertaining whether the boiler or piping or apparatus is built, installed, fitted with the necessary appliances, and operated in accordance with the provisions of this chapter and the regulations adopted pursuant thereto.

(c)(1) The chief inspector shall enforce the laws of the state governing the use of ~~steam~~ boilers and unfired pressure vessels. He shall examine into and report to the Director of the Department of Labor the causes of ~~steam~~ boiler explosions which occur within the state.

(2) He shall keep in his office a complete and accurate record of the names of all owners or operators of ~~steam~~ boilers inspected by his division, together with the location, make, type, dimensions, age, condition, pressure allowed upon, and date of last inspection of all boilers and shall make an annual report thereon to the Director of the Department of Labor."

SECTION 8. Arkansas Code 20-23-301 is amended to read as follows:

"20-23-301. Certificate of inspection required - Application of regulations and standards - Penalties.

(a)(1) No owner or user of a ~~steam~~ boiler, or engineer or fireman in charge of it, shall operate or allow it to be operated without a certificate of inspection issued by the Director of the Department of Labor or shall allow a greater pressure in it than is allowed by the certificate of inspection.

(2) All ~~steam~~ boilers installed or in operation in this state

1 shall conform to such regulations and standards as shall from time to time be
 2 adopted by the Boiler Inspection Division with the approval of the Director of
 3 the Department of Labor. The regulations and standards shall not exceed those
 4 set out in the several sections of the Boiler Code of the American Society of
 5 Mechanical Engineers and shall have the force of law immediately upon the
 6 approval by the Director of the Department of Labor.

7 (3) No person shall operate or cause to be operated ~~for generating~~
 8 ~~steam~~ any boiler or unfired pressure vessel on which the certificate of
 9 inspection has been suspended or the operation of which has been forbidden by
 10 an inspector as provided in §§ 20-23-203, 20-23-306, 20-23-310, 20-23-401, and
 11 20-23-402.

12 (4) All pressure piping installed in this state shall conform to
 13 such regulations and standards as shall from time to time be adopted by the
 14 Boiler Inspection Division with the approval of the Director of the Department
 15 of Labor. The regulations and standards shall not exceed those set out in the
 16 American Society of Mechanical Engineers Code for Pressure Piping, Power
 17 Piping Code, B31.1.

18 (b) Any person violating the provisions of this section shall ~~be guilty~~
 19 ~~of a misdemeanor and upon conviction shall be punished by a~~ subject to an
 20 administrative fine of not less than twenty-five dollars (\$25.00) nor more
 21 than one thousand dollars (\$1,000) ~~or by imprisonment for not more than two~~
 22 ~~(2) years, or by both fine and imprisonment."~~

23
 24 SECTION 9. Arkansas Code 20-23-302 is amended to read as follows:

25 "20-23-302. Report by manufacturer, owner, and user.

26 (a) Every manufacturer, owner, or user of a ~~steam~~ boiler or unfired
 27 pressure vessel in use or to be used in any part of the state and subject to
 28 inspection by the Boiler Inspection Division, as provided by this chapter,
 29 shall report to the division the location of the ~~steam~~ boiler or unfired
 30 pressure vessel at such times and in such manner and form as may be determined
 31 by the rules and regulations of the division.

32 (b) Any owner, user, or agent of the owner of any ~~steam~~ boiler
 33 or unfired pressure vessel subject to inspection by the Boiler Inspection
 34 Division, as provided in this chapter, who shall fail to report its location
 35 to the Boiler Inspection Division, shall be ~~guilty of a misdemeanor and upon~~
 36 ~~conviction shall be fined any sum~~ subject to an administrative fine of not

1 less than ~~ten~~ one hundred dollars ~~(\$10.00) (\$100.00)~~ ~~nor more than fifty~~
 2 ~~dollars (\$50.00).~~ "

3
 4 SECTION 10. Arkansas Code 20-23-303 is amended to read as follows:

5 "20-23-303. Hydrostatic pressure testing.

6 (a) ~~Steam boilers~~ Boilers and pressure vessels may be tested by
 7 hydrostatic pressure, one-quarter (1/4) greater than the ~~ordinary working~~
 8 ~~steam pressure used,~~ maximum allowable working pressure when in the judgment
 9 of the inspector such a test is necessary to ascertain the true condition of
 10 the boiler.

11 (b) All boilers to be tested by hydrostatic pressure shall be filled
 12 with water ~~by the owner or user, and pumps shall be furnished by the owner or~~
 13 ~~user.~~ at no less than ambient temperature, but in no case less than seventy
 14 (70) degrees Fahrenheit. The metal temperature shall not exceed one hundred
 15 twenty (120) degrees Fahrenheit during the final examination. The
 16 responsibility for hydrostatic testing shall be that of the owner. "

17
 18 SECTION 11. Arkansas Code 20-23-304 is amended to read as follows:

19 "20-23-304. Failure to make ready for inspection.

20 Any owner, user, or agent of the owner of any ~~steam~~ boiler subject to
 21 inspection by the Boiler Inspection Division who shall fail to have a boiler
 22 ready for inspection after due notice as provided in this chapter shall pay to
 23 the Boiler Inspection Division the inspection fee provided by this subchapter
 24 and shall be ~~guilty of a misdemeanor. Upon conviction he shall be fined in~~
 25 subject to an administrative fine of any sum not less than ten dollars
 26 (\$10.00). "

27
 28 SECTION 12. Arkansas Code 20-23-306 is amended to read as follows:

29 "20-23-306. Issuance.

30 (a) Upon receipt by the Boiler Inspection Division of an annual or
 31 biennial certificate report of inspection from a state inspector or from an
 32 inspector employed by an insurance company that a boiler or pressure vessel is
 33 in safe working condition, with the required fittings, valves, and appliances
 34 properly installed and set, the Director of the Department of Labor shall
 35 issue to the owner of the boiler or pressure vessel a certificate of
 36 inspection. This certificate shall be issued upon payment of a fee of ten

1 dollars (\$10.00), in cases of all boilers other than an unfired pressure
 2 vessel, and a fee of twenty dollars (\$20.00), in the case of unfired pressure
 3 vessels. This certificate of inspection shall state the maximum pressure at
 4 which the boiler or pressure vessel may be operated as may be determined by
 5 the rules adopted by the Boiler Inspection Division, as provided in this
 6 chapter.

7 (b) Thereupon the owner or user may operate boilers other than unfired
 8 pressure vessels described in the certificate, for one (1) year from the date
 9 of annual inspection, and in the case of unfired pressure vessels, for two (2)
 10 years from the date of biennial inspection and until another inspection is
 11 made, unless the certificate shall be sooner withdrawn.

12 (c) Any owner or operator of a ~~steam~~ boiler or pressure vessel who is
 13 dissatisfied with the result of an inspection made by an inspector employed by
 14 an insurance company may appeal to the Chief Inspector of the Boiler
 15 Inspection Division who shall cause a special investigation to be conducted
 16 and upon the report of the inspection shall render his decision, the decision
 17 to be final."

18

19 SECTION 13. Arkansas Code 20-23-307 is amended to read as follows:

20 "20-23-307. New boilers and unfired pressure vessels - ~~Permission~~ Permit
 21 required.

22 (a) Every manufacturer, contractor, jobber, owner, or user of a ~~steam~~
 23 boiler or unfired pressure vessel or pressure piping system shall obtain
 24 ~~permission~~ a permit from the Boiler Inspection Division before any ~~steam~~
 25 boiler or unfired pressure vessel or pressure piping system may be installed
 26 or moved and installed in the State of Arkansas.

27 (b) When new boilers or unfired pressure vessels are to be installed,
 28 the manufacturer's data report for each boiler and unfired pressure vessel
 29 must be submitted with the application for installation.

30 (c) No boiler or unfired pressure vessel or pressure piping may be
 31 installed without approval from the Boiler Inspection Division."

32

33 SECTION 14. Arkansas Code 20-23-310 is amended to read as follows:

34 "20-23-310. Suspension.

35 (a)(1) The chief inspector or his authorized representatives may at any
 36 time suspend an inspection certificate when, in their opinion, the boiler or

1 unfired pressure vessel for which it was issued cannot be operated without
 2 menace to the public safety, or when the boiler or unfired pressure vessel is
 3 found not to comply with the rules and regulations provided in this
 4 subchapter.

5 (2) Any insurance company inspector who has been issued an
 6 Arkansas commission and is inspecting boilers or pressure vessels in this
 7 state shall have corresponding powers with respect to operating certificates
 8 for boilers or pressure vessels insured by the company employing him.

9 (3) The suspension of an operation certificate shall continue in
 10 effect until such boiler or pressure vessel shall have been made to conform to
 11 the rules and regulations of the Boiler Inspection Division and until the
 12 operating certificate shall have been reinstated.

13 (b) Any inspector of the Boiler Inspection Division or any commissioned
 14 inspector of any insurance company, who, after inspection of a ~~steam~~ boiler or
 15 unfired pressure vessel, shall find it unsafe for the operation, shall suspend
 16 its certification of inspection and forbid its further use until it shall have
 17 been made to conform to the standards adopted by the Boiler Inspection
 18 Division and until its certificate of inspection shall have been reinstated by
 19 an authorized inspector."
 20

21 SECTION 15. Arkansas Code 20-23-401 is amended to read as follows:

22 "20-23-401. Inspectors generally.

23 (a) Certificates of competency and commissions as inspectors of ~~steam~~
 24 boilers shall be issued by the Boiler Inspection Division to persons in the
 25 employ of any company authorized to insure boilers against explosions in this
 26 state.

27 (b) Persons employed as inspectors must pass a written examination as to
 28 their knowledge of the construction, installation, maintenance, and repair of
 29 ~~steam~~ boilers and their appurtenances. The examination shall be confined to
 30 questions, the answers to which will aid in determining the fitness and
 31 competency of the applicant for the intended service and shall be of uniform
 32 grade throughout the state.

33 (c) However, a person who holds a certificate of competency or a
 34 commission issued by another state from a written examination equivalent to
 35 that required by this state may be issued a commission without further
 36 examination.

1 (d) For each certificate of competency and commission as inspector of
 2 ~~steam~~ boilers issued under the provisions of this subchapter, a fee of twenty-
 3 five dollars (\$25.00) shall be charged to the person to whom the certificate
 4 and commission are issued.

5 (e) The commission shall be good for the fiscal year during which it is
 6 issued and shall be renewed upon receipt of fifteen dollars (\$15.00).

7 (f)(1) Any commission issued under the provisions of this subchapter
 8 shall be immediately returned to the Boiler Inspection Division when the
 9 inspector to whom it has been issued shall cease to be employed by the
 10 insurance company employing him at the time the commission was issued.

11 (2) If a person holding a commission as an inspector shall be
 12 employed by any other insurance company than the one by which he was employed
 13 at the time the commission was issued, a duplicate commission may be issued
 14 upon the payment of a fee of fifteen dollars (\$15.00), provided the commission
 15 has been renewed annually.

16 (g) Commissions that have lapsed will require a renewal fee of fifteen
 17 dollars (\$15.00).

18 (h) Certificates of competency and commissions issued to boiler
 19 inspectors may be revoked upon notice to the holder thereof and to the
 20 employer of the inspector for:

21 (1) Incompetency or untrustworthiness; or

22 (2) For willful falsification of any matter or statement contained
 23 in his application or any report of any inspection.

24 (i) The holder of the certificate of competency and commission shall
 25 be entitled to a hearing before the Boiler Inspection Division to show
 26 cause why the certificate shall not be revoked."
 27

28 SECTION 16. Arkansas Code 20-23-403 is amended to read as follows:

29 "20-23-403. Inspectors - Failure to perform duties.

30 (a) Any inspector of ~~steam~~ boilers who shall report a ~~steam~~ boiler or
 31 pressure vessel for a certificate of inspection as safe to operate while
 32 knowing the report is false and that the boiler is unsafe to operate, who
 33 shall fail to perform his duties as stated in this chapter, or who shall cause
 34 the repair, installation, or sale of a boiler or pressure vessel that does not
 35 comply with the standards as set out in this chapter, and the regulations
 36 provided, shall be guilty of a felony.

1 (b) Upon conviction, he shall be punished by a fine in any sum not
 2 less than one hundred dollars (\$100) nor more than five hundred
 3 dollars (\$500) or by imprisonment not to exceed three (3) years, or by
 4 both fine and imprisonment."

5
 6 SECTION 17. Arkansas Code 20-23-404 is amended to read as follows:
 7 "20-23-404. Operators.

8 (a) The Boiler Inspection Division shall conduct examinations for
 9 each applicant seeking a boiler operator's license.

10 (1) This examination may be either written or oral.

11 (2) Each applicant shall pay a fee of sixteen dollars (\$16.00) for
 12 the examination and first license.

13 (3) Each license must be renewed annually. The annual fee shall be
 14 twelve dollars (\$12.00).

15 (4) Before the applicant may participate in an examination, he
 16 must have had not less than six (6) months on-the-job training. Proof of this
 17 must be furnished to the department by his employer prior to the examination.

18 (5) A restricted license may be issued to an applicant who has
 19 passed the examination required in subsection (a)(1) but who has not met the
 20 requirements of (a)(4) of this subsection provided:

21 (A) Such license shall be effective for one (1) year from
 22 the date of issue; and

23 (B) The licensee works under the direction and supervision
 24 of a regularly licensed boiler operator.

25 (b)(1) Any operator found operating a boiler without a certificate
 26 issued by the Boiler Inspection Division or operating a boiler knowing it to
 27 be defective shall have his license revoked at once.

28 (2) Any person found operating a boiler without an operator's
 29 license shall be ~~guilty of a misdemeanor and upon conviction shall be punished~~
 30 ~~by a~~ subject to an administrative fine of not less than twenty-five dollars
 31 (\$25.00) and not more than one hundred dollars (\$100) ~~and in addition may be~~
 32 ~~imprisoned for not more than two (2) years, or both."~~

33
 34 SECTION 18. All provisions of this Act of a general and permanent
 35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 36 Code Revision Commission shall incorporate the same in the Code.

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SECTION 19. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 20. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: 3/31/1999