

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# A Bill

**HOUSE BILL**

4 **By: Representatives Landers, McCoy, and Givens**

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## **For An Act To Be Entitled**

8 "AN ACT TO EMPOWER THE DIRECTOR OF LABOR TO PROMULGATE  
9 STANDARDS FOR INSTALLATION AND REPAIR OF PRESSURE PIPING,  
10 TO PROVIDE FOR LICENSING OF INSTALLERS AND REPAIRERS OF  
11 PRESSURE PIPING; TO PROVIDE FOR THE ENFORCEMENT AND  
12 ADMINISTRATION OF THIS ACT; AND FOR OTHER PURPOSES."

13

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Definitions. As used in this act:

17 (1) "Board" means the Boiler Advisory Board established by Arkansas  
18 Code 20-23-201;

19 (2) "Boiler Inspection Division" means the Boiler Inspection Division  
20 of the Arkansas Department of Labor;

21 (3) "BTU" means British Thermal Unit;

22 (4) "Building services piping" means piping systems for building  
23 services for industrial, commercial, public, institutional, and multi-unit  
24 residential buildings in the building, or within the property limits, except  
25 as exempted by Section 6;

26 (5) "Chief Boiler Inspector" means the Chief Boiler Inspector of the  
27 Boiler Inspection Division of the Arkansas Department of Labor;

28 (6) "Department" means the Arkansas Department of Labor;

29 (7) "Director" means the Director of the Arkansas Department of Labor;

30 (8) "Install" means the fabrication, construction, placement, or  
31 installation of new pressure piping or a pressure piping system;

32 (9) "Person" means any individual, firm, partnership, corporation,  
33 association, cooperative or any other association or combination thereof;

34 (10) "Power piping" means power and auxiliary service piping systems  
35 for electric generation stations, industrial and institutional plants, central

1 and district heating plants, and district heating systems, except as exempted  
2 by Section 6;

3 (11) "Pressure piping" means power piping, building services piping and  
4 refrigeration piping systems and includes pipes, flanges, bolting, gaskets,  
5 valves, relief devices, fittings, and the pressure containing parts of other  
6 components;

7 (12) "Psig" means pounds per square inch gauge pressure;

8 (13) "Refrigeration piping" means refrigerant and secondary coolant  
9 piping for temperatures as low as -320 degrees Fahrenheit, except as exempted  
10 by Section 6; and

11 (14) "Repair" means the reconstruction, modification, alteration or  
12 replacement of any part of an existing pressure piping system for the purpose  
13 of its maintenance.

14

15 SECTION 2. Powers and Duties of the Board and Department.

16 (a) The Boiler Advisory Board may:

17 (1) Assist in the formulation of rules and regulations for the  
18 implementation, enforcement, and administration of this act; and

19 (2) Provide counsel and advice to the Chief Boiler Inspector in  
20 the performance of his duties.

21 (b) The Director of the Department of Labor shall:

22 (1) Adopt rules and regulations for the implementation,  
23 administration, and enforcement of this act;

24 (2) Adopt rules and regulations to establish standards for the  
25 design, materials, fabrication, installation, repair, alteration,  
26 modification, inspection, examination, and testing of pressure piping systems;

27 (A) The Director shall adopt the following:

28 (i) for power piping, the American Society of  
29 Mechanical Engineers Code for Pressure Piping, Power Piping Code, B31.1 - 1989  
30 Edition;

31 (ii) for refrigeration piping, the American Society  
32 of Mechanical Engineers Code for Pressure Piping, Refrigeration Piping Code,  
33 B31.5 - 1987 Edition;

34 (iii) for building services piping, the American  
35 Society of Mechanical Engineers Code for Pressure Piping, Building Service

1 Piping Code, B31.9 - 1988 Edition; and  
2 (iv) for the qualifications of welders and  
3 pipefitters, the American Society of Mechanical Engineers Code for Boilers and  
4 Pressure Vessels, Section IX, 1989 Edition.

5 (B) The Director shall be authorized to amend the various  
6 sections of the American Society of Mechanical Engineers Codes to insure the  
7 public health and safety and to prevent conflict with the provisions of this  
8 act;

9 (3) Revoke or suspend any license or certificate of competency  
10 for cause; and

11 (4) Conduct hearings on all matters related to the design,  
12 materials, fabrication, installation, repair, alteration, modification,  
13 inspection, examination, and testing of pressure piping systems and the  
14 enforcement of this act.

15 (c) (1) It shall be the duty of the Director of the Arkansas  
16 Department of Labor to administer and enforce the provisions of this act.

17 (2) For the enforcement of this act, the Director or his  
18 designee shall have the authority to enter, during normal business hours, upon  
19 any private or public premises with right of access, ingress, and egress for  
20 the purpose of ascertaining whether a person has performed pressure piping  
21 work or installed or repaired pressure piping thereon in accordance with the  
22 provisions of this act and the rules and regulations adopted pursuant thereto.

23 (3) Upon the basis of such inspections, the Director may take  
24 action to suspend or revoke the license or certificate of competency of any  
25 person found to be installing or repairing pressure piping in violation of the  
26 provisions of this act and the regulations and standards adopted pursuant  
27 thereto.

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29 SECTION 3. Collection and Disposition of Funds.

30 (a) All funds received under the provisions of this act shall be  
31 deposited as special revenues in the State Treasury to the credit of the  
32 Boiler Inspection Fund of the Boiler Inspection Division, there to be used for  
33 operating expenses of the Boiler Inspection Division in carrying out the  
34 functions, powers, and duties as set out in this act and functions, powers and  
35 duties as set out in Arkansas Code 20-23-101 through 20-23-405.

1 (b) All funds received by the Boiler Inspection Division pursuant to  
2 the provisions of Arkansas Code 20-23-101 through 20-23-405 and deposited as  
3 special revenues in the State Treasury to the credit of the Boiler Inspection  
4 Fund may be used for operating expenses of the Boiler Inspection Division in  
5 carrying out the functions, powers, and duties as set out in this act.

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7 SECTION 4. Penalties.

8 (a) Any person who installs or repairs pressure piping in this state  
9 without the license required by this act, or who otherwise violates any  
10 provisions of this act, shall be guilty of a misdemeanor and upon conviction  
11 shall be punished by a fine of not less than fifty dollars (\$50.00) and not  
12 more than five hundred dollars (\$500.00) or by imprisonment for not more than  
13 thirty (30) days, or both fine and imprisonment. Each day during which a  
14 violation continues shall be a separate offense.

15 (b) In addition to the penalties in subdivision (a) of this section,  
16 the director is authorized to petition, without paying costs or giving bond  
17 for costs, to enjoin or restrain any person who installs or repairs pressure  
18 piping without a license, or who otherwise violates the provisions of this  
19 act.

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21 SECTION 5. License Requirement.

22 (a) Beginning January 1, 1992, no person shall engage in the business  
23 of fabricating, installing, repairing, altering, or modifying pressure piping  
24 or pressure piping systems without obtaining a license to perform such work  
25 from the Boiler Inspection Division, unless exempted pursuant to the  
26 provisions of this act.

27 (b) Beginning January 1, 1992, no person shall perform work as a pipe  
28 fitter, welder, or welder operator on pressure piping or pressure piping  
29 systems without obtaining a license to perform such work from the Boiler  
30 Inspection Division.

31 (c) No license or certificate issued under the provisions of this act  
32 shall be assignable or transferable.

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34 SECTION 6. Construction and Exemptions.

35 (a) This act shall not apply to:

1 (1) economizers, heaters, boilers, pressure vessels and  
2 components covered under the provisions of Arkansas Code 20-23-101 through 20-  
3 23-405;

4 (2) piping in private single-family residences and multi-family  
5 residences of less than four family units;

6 (3) piping systems used on farms or in farm buildings or  
7 structures;

8 (4) temporary piping used during construction;

9 (5) air piping for pneumatic controls where the pressure is  
10 thirty (30) psig or less;

11 (6) air cooling systems in residential or commercial building if  
12 such systems do not exceed five (5) tons (sixty thousand (60,000) BTUs per  
13 hour input) per system;

14 (7) air heating systems in residential or commercial buildings  
15 if such systems do not exceed one hundred fifty thousand (150,000) BTUs per  
16 hour input per system;

17 (8) water supply and drainage systems covered under the  
18 provisions of Arkansas Code 17-31-101 through 17-31-310; and

19 (9) sprinklers and other fire protection systems;

20 (b) Nothing in this act shall be construed to prohibit any city or  
21 county from prescribing, by ordinance or contract, rules, regulations and  
22 standards for the installation and repair of pressure piping in such city,  
23 town, or county, provided such standards meet or exceed the standards  
24 prescribed by the Director pursuant to the provisions of this act.

25 (c) Any city or county may establish by ordinance, rules and  
26 regulations a system of permits and inspections for the installation and  
27 repair of pressure piping.

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29 SECTION 7. License Renewal.

30 (a) The license required by Section 5 of this act shall be issued for  
31 a period of one (1) year. The expiration date shall appear on the face of the  
32 license.

33 (b) The Director shall by rule and regulation establish a fee for the  
34 license required by Section 5 of this act, as well as a fee for the annual  
35 renewal of such licenses. In no event shall the license fee or renewal fee

1 for the license required by Section 5 (a) exceed the sum of one hundred and  
2 fifty dollars (\$150.00). In no event shall the license fee or renewal fee for  
3 the license required by Section 5 (b) exceed the sum of fifty dollars  
4 (\$50.00).

5 (c) To renew a license, the licensee must submit the appropriate  
6 renewal fee to the Boiler Inspection Division before the expiration date of  
7 the license.

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9 SECTION 8. Inspectors.

10 (a) Certificates of competency as a special inspector of pressure  
11 piping shall be issued by the Boiler Inspection Division to qualified  
12 individuals in the employ or any person licensed to install or repair pressure  
13 piping.

14 (b) A certificate of competency as a special inspector shall be issued  
15 upon submission by the applicant of the following:

16 (1) a completed application on a form furnished and approved by  
17 the Director;

18 (2) evidence that the applicant is qualified and has been  
19 examined by his or her employer in the manner prescribed by the rules and  
20 regulations adopted pursuant to the provisions of this act; and

21 (3) A fee in an amount not to exceed seventy-five dollars  
22 (\$75.00).

23 (c) A certificate of competency as a general inspector of pressure  
24 piping shall be issued to any employee of the State of Arkansas authorized to  
25 inspect the installation and repair of pressure piping.

26 (d) (1) Certificates of competency as a special inspector shall be  
27 issued for a period of one (1) year. The expiration date shall appear on the  
28 face of the certificate.

29 (2) A certificate of competency as a special inspector may be  
30 renewed upon payment of a fee not to exceed the amount of seventy-five dollars  
31 (\$75.00) annually.

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33 SECTION 9. Inspections.

34 (a) Beginning January 1, 1992, the installation of pressure piping  
35 shall be periodically inspected during the course of the installation by the

1 holder of a certificate of competency as a special inspector in the manner and  
2 with the frequency prescribed by the rules and regulations adopted by the  
3 Boiler Inspection Division.

4 (b) Upon completion of the installation of any pressure piping, the  
5 inspector shall make a final inspection and complete a final inspection report  
6 on a form approved by the Director. A copy of the final inspection report  
7 shall be filed with the Boiler Inspection Division within thirty (30) days of  
8 completion of the installation.

9 (c) In the event the report required by subsection (b) is not filed  
10 within thirty (30) days after completion of the installation, the Boiler  
11 Inspection Division shall designate a general inspector in its employ to make  
12 the inspection and report required by subsection (b).

13 (d) The inspections and reports required by subsections (a) and (b)  
14 may be made by a general inspector in the employ of the Boiler Inspection  
15 Division.

16 (e) For each inspection made by a general inspector and required by  
17 subsections (a), (b) or (c), the holder of the installation permit shall pay  
18 the Boiler Inspection Division an inspection fee in the amount of four hundred  
19 and forty dollars (\$440.00) per day or two hundred and twenty dollars  
20 (\$220.00) per half (1/2) day, plus expenses and mileage at the rates  
21 authorized for employees of the Department of Labor who furnished their own  
22 transportation.

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24 SECTION 10. Permits.

25 (a) Beginning January 1, 1992, no pressure piping or pressure piping  
26 system may be installed in the State of Arkansas without first obtaining an  
27 installation permit from the Boiler Inspection Division.

28 (b) A permit fee shall be paid to the Boiler Inspection Division  
29 before an installation permit may be issued. The amount of the permit fee  
30 shall be established by regulation by the Director, but in no event shall it  
31 exceed seventy-five dollars (\$75.00).

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33 SECTION 11. Administrative Procedures. All hearings conducted by the  
34 Director or Department and all appeals taken from the decisions of the  
35 Director or the Department shall be pursuant to the Administrative Procedures

1 Act, Arkansas Code 25-15-201, et seq.

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3 SECTION 12. All provisions of this act of a general and permanent  
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
5 Code Revision Commission shall incorporate the same in the Code.

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7 SECTION 13. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 14. All laws or parts of laws in conflict with this act are  
14 hereby repealed.

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