

Article 7A.

Uniform Boiler and Pressure Vessel Act.

§ 95-69.8. Short title.

This Article shall be known as the Uniform Boiler and Pressure Vessel Act of North Carolina. (1975, c. 895, s. 1.)

§ 95-69.9. Definitions.

(a) The term "board" shall mean the North Carolina Board of Boiler and Pressure Vessel Rules.

(b) The term "boiler" shall mean a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum by the direct or indirect application of heat. The term "boiler" shall also include fired units for heating or vaporizing liquids other than water where these units are complete within themselves.

(b1) The term "Chief Inspector" shall mean the individual appointed by the Commissioner to hold the office of Chief of the Boiler Safety Bureau within the Department of Labor. The Chief Inspector serves as the North Carolina member on the National Board of Boiler and Pressure Vessel Inspectors.

(c) The term "Commissioner" shall mean the North Carolina Commissioner of Labor.

(d) Repealed by Session Laws 2005-453, s. 1.

(d1) The term "Deputy Inspector" shall mean any Boiler and Pressure Vessel Inspector who is employed by the Department of Labor and is subordinate to the Chief Inspector.

(e) The term "inspection certificate" or "certificate of inspection" shall mean certification by the Chief Inspector that a boiler or pressure vessel is in compliance with the rules and regulations adopted under this Article.

(f) The term "inspector's commission" shall mean a written authorization by the Commissioner for a person who has met the qualifications set out in this Article to conduct inspections of boilers and pressure vessels.

(f1) The term "National Board" shall mean the National Board of Boiler and Pressure Vessel Inspectors.

(f2) The term "person" shall mean any individual, association, partnership, firm, corporation, private organization, or the State of North Carolina or any political subdivision of the State or any unit of local government.

(g) The term "pressure vessel" shall mean a vessel in which the pressure is obtained from an indirect source or by the application of heat from an indirect source or a direct source, other than those included within the term "boiler". (1975, c. 895, s. 2; 1993, c. 351, s. 1; 2005-453, s. 1.)

§ 95-69.10. Application of Article; exemptions.

(a) This Article shall apply to all boilers and pressure vessels constructed, used, or designed for operation in this State including all new and existing installations unless specifically excluded by subsection (b) of this section.

(b) This Article shall not apply to:

(1) Boilers and pressure vessels owned or operated by the federal government, unless the agency in question has asked for coverage by this Article.

(2) Pressure vessels used for transportation or storage of compressed gases when constructed in compliance with the specifications of the United States Department of Transportation and when charged with gas marked, maintained, and periodically requalified for use, as required by appropriate regulations of the United States Department of Transportation.

- 1 (3) Portable pressure vessels used for agricultural purposes only or for pumping
2 or drilling in an open field for water, gas or coal, gold, talc, or other minerals
3 and metals.
- 4 (4) Boilers and pressure vessels which are located in private residences or in
5 apartment houses of less than six families.
- 6 (5) Repealed by Session Laws 2007-231, s. 1, effective July 18, 2007.
- 7 (6) Air tanks located on vehicles licensed under the rules and regulations of
8 other state authorities operating under rules and regulations substantially
9 similar to those of this State and used for carrying passengers or freight
10 within interstate commerce.
- 11 (7) Air tanks installed on right-of-way of railroads and used directly in the
12 operation of trains.
- 13 (8) Any of the following pressure vessels that do not exceed the listed
14 limitations if the vessel is not equipped with a quick actuating closure:
 - 15 a. Five cubic feet in volume and 250 psig.
 - 16 b. Three cubic feet in volume and 350 psig.
 - 17 c. One and one-half cubic feet in volume and 600 psig.
 - 18 d. An inside diameter of six inches with no limitation on pressure.
- 19 (9) Pressure vessels operating at a working pressure not exceeding 15 psig.
- 20 (10) Pressure vessels with a nominal water capacity not exceeding 120 gallons
21 and containing water under pressure at temperatures not exceeding 120°F,
22 including those containing air, the compression of which serves as a cushion.
- 23 (11) Boilers and pressure vessels on railroad steam locomotives that are subject
24 to federal railway safety regulations pursuant to 49 C.F.R. § 230.
- 25 (12) Repealed by Session Laws 1985, c. 620, s. 2.
- 26 (13) Coil-type hot water supply boilers, generally referred to as steam jennies,
27 where the water can flash into steam when released directly to the
28 atmosphere through a manually operated nozzle and where adequate safety
29 relief valves and controls are installed on them, provided none of the
30 following limitations are exceeded:
 - 31 a. There is no drum, header, or other steam space.
 - 32 b. No steam is generated within the coil.
 - 33 c. Maximum 1 inch tube size.
 - 34 d. Maximum $\frac{3}{4}$ inch nominal pipe size.
 - 35 e. Maximum 6 gallon nominal water storage capacity.
 - 36 f. Water temperature of 350°F.
- 37 (14) Pressure vessels containing water at a temperature not exceeding 110
38 degrees fahrenheit except that this provision shall not exclude
39 hydropneumatic pressure vessels from regulation.
- 40 (15) An air tank that does not exceed eight cubic feet in volume that is installed
41 on a service vehicle.
- 42 (16) Autoclaves in medical offices and hospitals that are less than five cubic feet
43 in volume, even if they are equipped with a quick actuating closure.
- 44 (17) Coil-type hot water supply boilers of the instantaneous type where adequate
45 safety relief valves and controls are installed if none of the following
46 limitations are exceeded:
 - 47 a. There is no drum or header.
 - 48 b. No steam is generated within the coil.
 - 49 c. Maximum one-inch tube size.
 - 50 d. Maximum three-quarter-inch nominal pipe size.
 - 51 e. Maximum six-gallon nominal water storage capacity.

- 1 f. Water temperature not to exceed 250°F.
2 g. Maximum heat input does not exceed 400,000 Btu/hr or 110 kW.
3 h. Maximum pressure of 260 psig.
4 (18) Toy boilers, if all of the following apply:
5 a. The water containing volume of the boiler is less than one quart.
6 b. The operating pressure does not exceed 15 psig.
7 c. The maximum outside diameter of the shell is no greater than six
8 inches.
9 d. The boiler is manually fired by solid fuels.
10 (19) Pressure vessels associated with electrical apparatus in electrical switchyards
11 if the pressure vessels have proper pressure relief devices.
12 (20) Carbon dioxide tanks used in beverage dispensing service.
13 (c) The construction and inspection requirements established by the Department of
14 Labor shall not apply to hot water supply boilers or water heaters which are directly fired with
15 oil, gas, or electricity, or to hot water storage tanks heated by steam or any other indirect
16 means, if they are equipped with ASME Code and National Board certified safety relief valves
17 and do not exceed any of the following limitations:
18 (1) Heat input of 200,000 Btu/hr or 58.6 kW.
19 (2) Repealed by Session Laws 2005-453, s. 2.
20 (3) Nominal water capacity of 120 gallons.
21 (d) The construction requirements established by the Department of Labor shall not
22 apply to pressure vessels installed in this State prior to December 31, 1981, if they are equipped
23 with ASME Code and National Board certified safety relief valves and:
24 (1) Are of one-piece, unwelded, forged construction;
25 (2) Are constructed before January 1, 1981, and operating or could be operated,
26 under the laws of any state or Canadian Province that has adopted one or
27 more sections of the ASME Code;
28 (3) Are transferred into this State without a change of ownership; and
29 (4) Are determined by the Chief Inspector to be constructed under standards
30 substantially equivalent to those established by the department at the time of
31 transfer.
32 (e) The construction requirements established by the Department of Labor shall not
33 apply to pressure vessels installed in this State prior to December 31, 1984, if they are equipped
34 with ASME Code and National Board certified safety relief valves and:
35 (1) Are manufactured from gray iron casting material, as specified by the
36 American Society for Testing and Materials, (ASTM) 48-60T/30;
37 (2) Are constructed before December 31, 1967, and operating or could be
38 operated, under the laws of any state or Canadian Province that has adopted
39 one or more sections of the ASME Boiler and Pressure Vessel Code;
40 (3) Are transferred into this State without a change of ownership; and
41 (4) Are determined by the Chief Inspector to be constructed under standards
42 substantially equivalent to those established by the department at the time of
43 transfer.
44 (f) The construction requirements established by the Department of Labor shall not
45 apply to hydropneumatic tanks installed or operated by a community water system prior to
46 January 1, 1986.
47 (g) The inspection requirements established by the Department of Labor shall not apply
48 to pressure vessels used for transportation or storage of liquefied petroleum gas that are subject
49 to inspection in accordance with the requirements established by the Department of Agriculture
50 and Consumer Services. (1975, c. 895, s. 3; 1979, c. 920, ss. 1, 2; 1981, c. 591; 1983, c. 654;

1 1985, c. 620, ss. 1, 2; c. 629; 1993, c. 351, s. 2; 2005-453, s. 2; 2007-231, s. 1; 2011-366, ss. 1,
2 2, 3.)

3
4 **§ 95-69.11. Powers and duties of Commissioner.**

5 The Commissioner of Labor is hereby charged, directed, and empowered:

- 6 (1) To adopt, modify, or revoke rules governing the construction, operation, and
7 use of boilers and pressure vessels, including, where necessary, requirements
8 for fencing to prevent unauthorized persons from coming in contact with
9 boilers and pressure vessels or the systems they are connected to.
- 10 (2) To delegate to the Chief Inspector any powers, duties, and responsibilities
11 that the Commissioner determines will best serve the public interest in the
12 safe operation of boilers and pressure vessels, and to supervise the Chief
13 Inspector in the performance of those duties.
- 14 (3) To enforce rules adopted under authority of this Article.
- 15 (4) To inspect boilers and pressure vessels covered under this Article.
- 16 (5) To issue inspection certificates to those boilers and pressure vessels found in
17 compliance with this Article.
- 18 (6) To enjoin violations of this Article in the civil and criminal courts of this
19 State.
- 20 (7) To keep adequate records of the type, dimensions, age, conditions, pressure
21 allowed upon, location, and date of the last inspection of all boilers and
22 pressure vessels to which this Article applies.
- 23 (8) To require such periodic reports from inspectors, owners, and operators of
24 boilers and pressure vessels as he deems appropriate in carrying out the
25 purposes of this Article.
- 26 (9) To have free access, without notice, to any location in this State, during
27 reasonable hours, where a boiler or pressure vessel is being built, installed,
28 or operated for the purpose of ascertaining whether such boiler or pressure
29 vessel is built, installed, or operated in accordance with the provisions of this
30 Article.
- 31 (10) To investigate serious accidents involving boilers and pressure vessels to
32 determine the causes of the accidents, and to have full subpoena powers in
33 conducting the investigation.
- 34 (11) To establish reasonable fees for the inspection and issuance of inspection
35 certificates for boilers and pressure vessels that are in use.
- 36 (12) To establish reasonable fees for the examination and certification of
37 inspectors.
- 38 (13) To appoint qualified individuals to the Board of Boiler and Pressure Vessel
39 Rules.
- 40 (14) To perform inspections and audits relating to the construction and repair of
41 boilers and pressure vessels and to establish and collect fees for these
42 activities.
- 43 (15) To order the payment of civil penalties provided by this section.
- 44 (16) To require that before any boiler or pressure vessel that is subject to this
45 Article is transferred into the State, or is moved from one location to another
46 within the State, the owner or the owner's authorized agent shall file with the
47 Commissioner a written notice of intent to do so and the type of device
48 involved and provide a copy of the specifications, previous inspection
49 documents, or other information that the Commissioner deems necessary to
50 determine whether the boiler or pressure vessel is in compliance with the
51 provisions of this Article and the rules adopted under this Article.

- 1 (17) To grant exceptions from the requirements of the rules and regulations
2 adopted under authority of this Article and to permit the use of other devices
3 when such exceptions and uses will not expose the public to an unsafe
4 condition likely to result in serious personal injury or property damage.
5 (1975, c. 895, s. 4; 1985, c. 620, s. 3; 1993, c. 351, s. 3; 2005-453, s. 3;
6 2011-366, s. 4.)
7

8 **§ 95-69.12. Boiler Safety Bureau established.**

9 There is established a Boiler Safety Bureau within the Department of Labor. The
10 Commissioner shall appoint a Chief Inspector of the Boiler Safety Bureau and any other
11 employees that the Commissioner deems necessary to assist the Chief Inspector in
12 administering the provisions of this Article and the rules adopted under this Article. (1975, c.
13 895, s. 5; 1981 (Reg. Sess., 1982), c. 1187, ss. 2, 3; 2005-453, s. 4.)
14

15 **§ 95-69.13. Board of Boiler and Pressure Vessels Rules created; appointment, terms,
16 compensation and duties.**

17 (a) There is hereby created the North Carolina Board of Boiler and Pressure Vessels
18 Rules consisting of nine members appointed by the Commissioner for a term of five years each.
19 Of these nine appointed members, one shall be a representative of the owners and users of
20 steam boilers within this State, one a representative of boiler manufacturers within this State,
21 one a representative of boilermakers within this State who has had not less than five years'
22 practical experience as a boilermaker, one shall be a representative of the owners or users of
23 pressure vessels within the State, one shall be a representative of the pressure vessel
24 manufacturers within the State, one a representative of boiler inspection and insurance
25 companies authorized to insure boilers and pressure vessels within the State, one a
26 representative of the antique boiler owners and operators in this State, one a contractor holding
27 a Group I North Carolina Heating License, and one a mechanical engineer on the faculty of a
28 recognized engineering college or a licensed professional engineer having boiler and pressure
29 vessel experience. The Commissioner of Labor shall serve as chair. The Chief Inspector shall
30 serve on the Board and in the absence of the Commissioner shall serve as chair.

31 (b) The Board shall meet at least twice annually and shall be responsible for:

- 32 (1) Studying and proposing rules and regulations, for adoption, modification or
33 revocation by the Commissioner, governing the construction, installation,
34 inspection, repair, alteration, use and operation of boilers and pressure
35 vessels in this State. The rules and regulations so formulated shall conform
36 as nearly as possible to the standards of the American Society of Mechanical
37 Engineers.
38 (2) Devise and proctor examinations covering this Article and the rules adopted
39 under this Article to applicants seeking a commission as inspectors of boilers
40 and pressure vessels in this State.
41 (2a) Act as proctors during the administration of the National Board
42 commissioning examination.
43 (3) Issue, suspend, or revoke inspector's commissions as inspectors of boilers
44 and pressure vessels within this State. Whenever action is taken under this
45 section to suspend or revoke a commission, the affected party shall be given
46 notice of the availability of an administrative hearing and of judicial review
47 in accordance with Chapter 150B of the General Statutes, the Administrative
48 Procedure Act.

49 (c) The members of the Board shall serve without salary but shall be paid a subsistence
50 and travel allowance as established in accordance with Chapter 138 of the General Statutes.

1 (1975, c. 895, s. 6; 1977, c. 788; 1981 (Reg. Sess., 1982), c. 1187, s. 4; 1983, c. 717, s. 16;
2 1985, c. 620, s. 5; 2005-453, s. 5.)

3
4 **§ 95-69.14. Rules and regulations governing the construction, operation and use of boilers**
5 **and pressure vessels.**

6 The Commissioner, after consultation with the Board, may adopt, modify, or revoke any
7 rules and regulations governing the construction, installation, repair, alteration, inspection, use,
8 and operation of boilers and pressure vessels as the Commissioner deems appropriate to insure
9 the safe operation and avoidance of injury to person or property from boilers and pressure
10 vessels. The rules and regulations will conform as nearly as possible to the standards of the
11 American Society of Mechanical Engineers and the amendments and interpretations of those
12 engineering standards.

13 The procedure for the adoption, modification, or revocation of the rules and regulations
14 shall be in accordance with Chapter 150B of the General Statutes, the Administrative Procedure
15 Act. (1975, c. 895, s. 7; 1985, c. 620, s. 4; 1987, c. 827, s. 1; 2005-453, s. 6.)

16
17 **§ 95-69.15. Classification of inspectors; qualifications; examinations; inspector's**
18 **commission.**

19 (a) There shall be three types of inspectors authorized to conduct inspections and report
20 their findings to the Chief Inspector under this Article:

21 (1) Boiler and Pressure Vessel Inspector or Deputy Inspector. – Shall be a
22 qualified individual, employed by the Department of Labor and appointed by
23 the Commissioner, to assist in conducting inspections under this Article and
24 report on the suitability of boilers and pressure vessels so inspected.

25 (2) Special Inspector or Insurance Inspector. – Shall be a qualified individual
26 regularly employed by an insurance company authorized to insure in this
27 State against injury to person or property or both from explosions and
28 accidents involving boilers and pressure vessels. Special Inspectors shall not
29 include employees of private contract inspection agencies.

30 (3) Owner-User Inspectors. – Shall be a qualified individual employed on a
31 full-time basis by a company operating pressure vessels for its own use and
32 not for resale, and maintains an established inspection program for periodic
33 inspection of pressure vessels owned or used by that company and where
34 such inspection program is under the supervision of one or more engineers
35 having qualifications satisfactory to the Commissioner.

36 (b) Inspector's Commission. – Any company authorized to insure in this State against
37 loss to person or property as a result of an explosion or accident involving boilers and pressure
38 vessels or operating boilers or pressure vessels or both for its own use and not for resale, may
39 apply for the issuance of an inspector's commission for an individual within its employ who has
40 a commission from the National Board.

41 A North Carolina commission authorizes an inspector to make inspections on boilers and
42 pressure vessels and report on the suitability of said boilers and pressure vessels to the Chief
43 Inspector. Those inspectors holding commissions as special inspectors shall be limited to
44 making inspections on boilers and pressure vessels insured by their employer. Owner-user
45 inspectors shall be limited to conducting inspections on boilers and pressure vessels operated
46 by their respective employers.

47 A person seeking a commission from this State to conduct in-service inspections of boilers
48 and pressure vessels must take and pass an examination on this Article and the rules adopted
49 pursuant to this Article prior to receiving the commission. Any person who has had a
50 commission in this State but who has been inactive for more than one year must take or retake

1 and pass the State examination before conducting further in-service inspections of boilers and
2 pressure vessels.

3 (c) Repealed by Session Laws 2007, c. 231, s. 2, effective July 18, 2007. (1975, c. 895,
4 s. 8; 2005-453, s. 7; 2007-231, s. 2.)

5
6 **§ 95-69.16. Inspection certificate required.**

7 All boilers and pressure vessels subject to the provisions of this Article shall be inspected
8 by a commissioned inspector. The Commissioner may determine both the frequency and the
9 method of inspection. In determining the frequency of inspection, the Commissioner shall give
10 due consideration to the hazard involved and the need for the protection of the public. The
11 method of inspection must provide an adequate procedure to insure the safety of individuals
12 likely to be injured by an explosion or accident involving a boiler or pressure vessel.

13 No boiler or pressure vessel may be operated without an inspection certificate, except
14 pressure vessels being operated under an owner-user provision where administrative procedures
15 of equal safety and competency have been approved by the Board and Commissioner. No more
16 than 60 days grace period may be granted beyond the certificate expiration date. (1975, c. 895,
17 s. 9; 1993, c. 351, s. 4; 2005-453, s. 8; 2007-231, s. 3.)

18
19 **§ 95-69.17. Noncomplying devices; appeal.**

20 (a) If the Commissioner determines that a boiler or pressure vessel is subject to the
21 provisions of this Article and that the operation of the boiler or pressure vessel is exposing the
22 public to an unsafe condition likely to result in serious personal injury or property damage, the
23 Commissioner may immediately order in writing that the use of the boiler or pressure vessel be
24 stopped or limited until the Commissioner determines that the boiler or pressure vessel has
25 been made safe for operation.

26 (b) If the Commissioner determines that the provisions of this Article or the rules
27 adopted pursuant to this Article have not been complied with, the Commissioner may refuse to
28 issue or renew or may revoke, suspend, or amend an inspection certificate.

29 (c) Whenever action is taken under this section, the affected party shall be given notice
30 of the availability of an administrative hearing and of judicial review in accordance with
31 Chapter 150B of the General Statutes, the Administrative Procedure Act. (1975, c. 895, s. 10;
32 1987, c. 827, s. 263; 1993, c. 351, s. 5; 2005-453, s. 9.)

33
34 **§ 95-69.18. Operation without inspection certificate; operation not in compliance with
35 this Article; operation after nonissuance or revocation of certificate.**

36 (a) No person may operate or permit to be operated any boiler or pressure vessel subject
37 to the provisions of this Article without a valid inspection certificate unless the absence of a
38 valid inspection certificate is the result of the Commissioner's failure to inspect the device.

39 (b) No person may operate or permit to be operated any boiler or pressure vessel subject
40 to the provisions of this Article other than in accordance with this Article and the rules adopted
41 pursuant to this Article.

42 (c) No person may operate or permit to be operated any boiler or pressure vessel subject
43 to the provisions of this Article after the Commissioner has refused to issue or has revoked the
44 inspection certificate for the boiler or pressure vessel. (1975, c. 895, s. 11; 1993, c. 539, s. 665;
45 1994, Ex. Sess., c. 24, s. 14(c); 2005-453, s. 10.)

46
47 **§ 95-69.19. Violations; civil penalties; appeals.**

48 (a) Any person who violates G.S. 95-69.18(a) or (b) (operation without inspection
49 certificate; operation not in accordance with Article or rules and regulations) shall be subject to
50 a civil penalty not to exceed two hundred fifty dollars (\$250.00) for each day each boiler or
51 pressure vessel is so operated or used.

1 (b) Any person who violates G.S. 95-69.18(c) (operation after refusal to issue or after
2 revocation of inspection certificate) shall be subject to a civil penalty not to exceed five
3 hundred dollars (\$500.00) for each day any such boiler or pressure vessel is so operated or
4 used.

5 (c) In determining the amount of any penalty ordered under authority of this section, the
6 Commissioner shall give due consideration to the appropriateness of the penalty with respect to
7 the size of the business of the person being charged, the gravity of the violation, the good faith
8 of the person, and the record of previous violations.

9 (d) The determination of the amount of the penalty by the Commissioner shall be final,
10 unless within 15 days after receipt of notice thereof by certified mail with return receipt, by
11 signature confirmation as provided by the U.S. Postal Service, by a designated delivery service
12 authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, or via hand delivery, the
13 person charged with the violation takes exception to the determination in which event the final
14 determination of the penalty shall be made in an administrative proceeding and in a judicial
15 proceeding pursuant to Chapter 150B of the General Statutes, the Administrative Procedure
16 Act.

17 (e) The Commissioner may file in the office of the clerk of the superior court of the
18 county where the violation occurred or where the person against whom a civil penalty has been
19 ordered resides, or if a corporation is involved in the county where the corporation maintains its
20 principal place of business, a certified copy of a final order of the Commissioner unappealed
21 from, or of a final order of the Commissioner affirmed upon appeal. Upon filing of the final
22 order, the clerk of superior court shall enter judgment in accordance with the order and notify
23 the parties. The judgment shall have the same force and effect as a judgment by the superior
24 court of the General Court of Justice. (2005-453, s. 11; 2007-231, s. 6.)
25

26 **§ 95-69.20. Violations; criminal penalties.**

27 (a) Any person who knowingly and willfully misrepresents himself as an authorized
28 inspector administering or enforcing the provisions of this Article or the rules adopted pursuant
29 to this Article shall be guilty of a Class 2 misdemeanor.

30 (b) Any person knowingly making a material and false statement, representation, or
31 certification in any application, record, report, plan, or any other document filed or required to
32 be maintained pursuant to this Article or the rules adopted pursuant to this Article shall be
33 guilty of a Class 2 misdemeanor. (2005-453, s. 12.)