

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Dept. of Labor

Rule No. 490-x-2

Rule Title: Administration

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Stephen McClellan

Date 9-19-12

(DATE FILED)
(STAMP)

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 490-x-2 Administration

INTENDED ACTION: To amend the Administration section under Boiler and Pressure Vessels to reflect a new rule number.

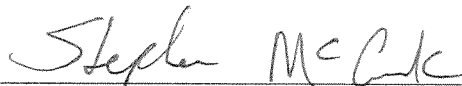
SUBSTANCE OF PROPOSED ACTION: The adoption is necessary to correctly reference the rules under the correct title after the merger of the Department of Industrial Relations and Department of Labor.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Stephen McCormick, Department of Labor, 649 Monroe Street, Montgomery, Alabama 36131 by mail or in person between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including November 05, 2012. Persons wishing to submit data, views or arguments orally should contact Stephen McCormick by telephone at (334) 242-8274 during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 05, 2012

CONTACT PERSON AT AGENCY:

Stephen McCormick
Department of Labor
649 Monroe Street
Montgomery, AL 36131
Telephone: (334) 242-8274



Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ADMINISTRATIVE CODE

CHAPTER ~~490-X-2~~ 480-7-2

ADMINISTRATION

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| 490-X-2-.01 | <u>480-7-2-.01</u> | Examination For Certificate Of Competency. |

(1) Applicants for the examination for a certificate of competency shall satisfy the requirements of this section.

(2) An applicant for examination must meet the current qualification criteria for education and experience required under the National Board's Rules for Commissioned Inspectors, as provided on the application form prescribed by the Board.

(3) An application for examination shall be submitted on the form prescribed by Board and shall contain an accurate educational and employment history. Applications shall be submitted to the chief inspector at least 45 days prior to the date of the examination.

(4) The Board may reject any application for examination containing a willfully false or misleading statement or any application from an unqualified applicant who fails to meet the qualification criteria set out in paragraph (2) above.

(5) The examination is prepared and graded by the National Board and

(a) covers the construction, installation, operation, maintenance, and repair of boilers and pressure vessels and their appurtenances;

(b) is given on the first Wednesday and one-half Thursday of March, June, September, and December at a site determined by the Board.

(6) Two members of the Board shall be present at all times during the examination.

(7) Applicants who fail to pass the examination may appeal to the Board to sit for another examination given at least 90 days after the first examination.

(8) The chief inspector shall issue a certificate of competency to all applicants who succeed in passing the written examination and are employed on a full-time basis by an authorized inspection agency, as defined herein.

(9) Requests for certificates of competency may also be processed upon proof that the applicant has a present commission as an inspector of boilers and pressure vessels issued by the National Board or a commission or certificate of competency as an inspector of boilers or pressure vessels from a state that has a standard of examination substantially equal to that of this State.

(10) Certificates of competency are valid through December 31st of each year. Renewal requests shall be submitted to the Board no later than December 1st of each year in order to remain active.

(11) Employing companies shall return certificates of competency to the Board upon the termination of employment of any inspector.

(12) A certificate of competency may be suspended or revoked by the Board upon proof of incompetence, untrustworthiness, or willful falsification of any statement in any application or inspection report.

(13) A certificate of competency as an owner/user inspector shall be issued to an inspector of a company operating pressure vessels in this State only if, in addition to meeting the requirements stated herein, the inspector is employed full-time by the company and is responsible for making inspections of pressure vessels used or to be used by the company and that are not for resale.

Author: Board of Boilers & Pressure Vessels, Dr. David Dyer, Chairman

Statutory Authority: Code of Ala. 1975, §§25-12-4, -6, -14.
History: New Rule: Filed February 20, 2004; effective March 23, 2004.

~~490-X-2-.02~~ 480-7-2-.02 Fees.

(1) Schedule of fees - the owner or user of a boiler or pressure vessel required by this Act to be inspected by the chief inspector or his/her deputy inspector shall pay directly to the chief inspector, upon completion of inspection, fees in accordance with the following schedule:

- (a) Power boilers and high temperature water boilers:
1. Boilers of 50 sq. ft. of heating surface or less..... \$ 60
 2. Boilers over 50 sq. ft. and less than 2000 sq. ft..... \$ 90
 3. Boilers of 2000 or more sq. ft..... \$120

For electric boilers, one kilowatt equals one square foot of heating surface.

- (b) Heating boilers
1. With manhole..... \$ 90
 2. Without manhole..... \$ 60

(c) Pressure vessels - fees are based on the maximum length of the vessel times the maximum width or diameter thereof in feet.

1. Each pressure vessel subject to inspection having a product, as determined above, of 50 sq. ft. or less..... \$ 60
2. For each additional 100 sq. ft., or portions thereof, of area in excess of 50 sq. ft..... \$ 10

(d) Inspection fees will be charged for any trip made by the inspector for the purpose of a certificate inspection,

permit inspection, follow-up inspection, insurance cancellation inspection, internal, and/or external inspection.

- (2) Installation permit fee
 - (a) All pressure vessels..... \$50
 - (b) All boilers..... \$50
 - (c) All Alabama State Specials..... \$75
- (3) Certificate of inspection fees
 - (a) Power boilers and high pressure, high temperature water boilers..... \$50 annually
 - (b) Low pressure steam or vapor heating boilers..... \$50 biennially
 - (c) Hot water heating and hot water supply boilers..... \$50 biennially
 - (d) Pressure vessels..... \$10 annually

(4) The owner, user, agent, or installer is responsible to ensure that the equipment is accessible and prepared for inspection and that the necessary personnel are available to the inspector as required. Failure to meet any of the above requirements will result in cancellation of the inspection and will cause the owner, user, agent, or installer to be charged a fee of \$100 per hour, including travel time, for the inspector's time. This fee must be paid before an inspection can be rescheduled or any other inspections can be completed at that location.

(5) Penalties and interest fees

(a) Boilers and pressure vessels subject to operating certificate inspections by special inspectors, or owner or user inspectors, shall be inspected within sixty (60) calendar days following the required re-inspection date. Inspections not performed within this sixty (60) calendar day period shall result in a fine of five hundred dollars (\$500) for each boiler or pressure vessel not inspected.

(b) Inspection fees due on boiler and pressure vessels subject to inspection by the chief or deputy inspectors

or operating certificate fees due from inspections performed by special inspectors, or owner or user inspectors, shall be paid within sixty (60) calendar days of completion of the inspections.

(c) Inspection fees or operating certificate fees unpaid within sixty (60) calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall continue to accrue until all amounts due, including interest, are received by the commissioner.

(d) The Commissioner may waive the collection of the penalties and interest assessed as provided herein when it is reasonably determined that the delays in inspection or payment were unavoidable or due to the action or inaction of the Department.

(e) Inspection fees or operating certificate fees must be paid in order to validate operating certificates. Fees not paid within sixty (60) calendar days of completion of inspection shall cause the suspension of the operating certificate until such time as all outstanding fees are paid. When an operating certificate is suspended for lack of payment, the deputy inspector shall re-inspect the boilers, hot water heaters, or pressure vessels suspended from operation, and the inspection fee will be charged and collected prior to reinstating the operating certificate.

(6) Special inspection fee, for purposes of any inspection performed by the State other than a regularly scheduled inspection, excluding inspections encompassed under the provisions of paragraph (4) above..... \$100

Author: Board of Boilers & Pressure Vessels, Dr. David Dyer, Chairman

Statutory Authority: Code of Ala. 1975, §§25-12-4, -6, -14.

History: New Rule: Filed February 20, 2004; effective March 23, 2004.