§ 204. Inspection of boilers; enforcement; fees; identification; exceptions. 1. Inspection. The commissioner shall cause to be inspected at least once every two years all boilers as defined in this section, except for high pressure power boilers, antique boilers and miniature boilers, which the commissioner shall cause to be inspected at least once each year, and except for boilers inspected and insured by a duly authorized insurance company in accordance with the provisions of subdivision eight of this section and with the rules of the commissioner.

2. Enforcement. If upon inspection of a boiler the commissioner finds a violation of the provisions of this section or of the rules of the board or if the commissioner receives notice from a duly authorized insurance company that the owner or lessee of a boiler has failed, after notice from the insurance company, to comply with the provisions of this section and rules of the board, the commissioner shall issue an order to the owner or lessee directing compliance therewith. If in the judgment of the commissioner the boiler is in an unsafe or dangerous condition the commissioner shall order the use of the boiler discontinued until such dangerous and unsafe condition has been remedied. Such order shall be served upon the owner or lessee of the boiler, personally or by mail.

3. Fees. A fee of two hundred dollars shall be charged the owner or lessee of each boiler internally inspected and seventy-five dollars for each boiler externally inspected by the commissioner, provided however, that the external inspection of multiple boilers connected to a common header or of separate systems owned or leased by the same party and located in the same building, with a combined input which is 300,000 BTU/hour or less, shall be charged a single inspection fee, and further provided that, not more than two hundred seventy-five dollars shall be charged for the inspection of any one boiler for any year; except that no fee shall be charged for internal or external inspections by the commissioner of an antique steam engine maintained as a hobby and displayed at agricultural fairs and other gatherings or of a miniature boiler.

4. Identification of boilers; unfired pressure vessels.

a. Owners and lessees of boilers shall attach to such boilers the numbers assigned by the commissioner under a penalty of five dollars for each day's failure so to do after such numbers have been assigned.

b. Owners and lessees of unfired pressure vessels shall ensure that such vessels are constructed in accordance with regulations promulgated by the commissioner.

5. Exceptions. The provisions of this section shall not apply:

a. to a boiler subject to inspection by inspectors of steam vessels under the department of transportation;

b. to a boiler located on a farm and used solely for agricultural purposes;

c. to a steam or vapor boiler operating at a gauge pressure of not more than fifteen pounds per square inch, and which is located in a dwelling occupied by less than six families;

d. to a hot water boiler which is located in a dwelling occupied by less than six families;

e. to a boiler subject to inspection or control by a federal agency;

f. to the boiler of a miniature model locomotive, boat, tractor or stationary engine constructed and maintained as a hobby and not for commercial use, and having a volume of less than two cubic feet and a grate area not in excess of two square feet; and

g. to any low pressure boiler with a capacity of one hundred thousand British Thermal Units or less.

6. Definitions. a. For purposes of this section, 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 for use externally to itself by the application of heat from combustible fuels, electricity, or any other source, but shall not include a device or apparatus used solely to heat water for a hot water supply system. The term "boiler" shall include the apparatus used by which heat is generated, and all controls and devices related to such apparatus or to the closed vessel. The term "boiler" also shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves.

b. The term "miniature boiler" shall mean a nonelectric fired pressure vessel which does not exceed inside shell diameter of sixteen inches, forty-two inches over-all length of outside to outside of heads at center, water heating surface of twenty square feet, and maximum allowable working pressure of one hundred pounds per square inch.

c. For the purposes of this section, the term "unfired pressure vessel" shall include containers for the containment of internal or external pressure which may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof, provided however, that the term "unfired pressure vessel" shall not include:

(1) pressure vessels meeting the requirements of the United States department of transportation for the shipment of liquids or gases under pressure;

(2) air tanks used on vehicles used for carrying passengers or freight or used directly in the operation of trains;

(3) pressure vessels having a volume of five cubic feet or less or having an inside diameter not exceeding six inches;

(4) pressure vessels designed for pressures of less than fifteen pounds per square inch;

(5) hot water supply storage tanks, provided none of the following limitations is exceeded: (i) a heat input of two hundred thousand BTU's per hour; (ii) a water temperature of two hundred ten degrees fahrenheit; (iii) a nominal water containing capacity of one hundred twenty gallons;

(6) pressure vessels under federal control or regulation;

(7) pressure vessels containing water under pressure, including those containing air, the compression of which serves only as a cushion, when none of the following limitations are exceeded: (i) a design pressure of thirty pounds per square inch; (ii) a design temperature of two hundred ten degrees fahrenheit; and

(8) pressure vessels used for agricultural purposes.

7. Cities. a. A city which qualifies under the provisions of this subdivision shall enforce the provisions of this section and the rules of the board promulgated hereunder and for such purpose shall have the powers of the commissioner prescribed in subdivision two of this section. In order to so qualify, a city shall have enacted a local law or ordinance requiring an inspection of all boilers required to be inspected by the provisions of this section located in such city, which inspection shall be conducted with at least the same frequency as is required by this section, but in no case more often than once a year. Such boilers shall be inspected by competent inspectors employed by the city except boilers inspected and insured by a duly authorized insurance company in accordance with the provisions of subdivision eight of this section and with the rules of the commissioner.

b. The fee schedule contained in subdivision three of this section shall not apply within a city which qualifies under the provisions of this subdivision. Such a city may, by local law or ordinance, impose reasonable fees for the inspection of boilers by the inspecting agency of such city.

8. Inspection by insurance companies. a. All boilers which are inspected by a duly authorized insurance company shall be exempt from inspection by the commissioner and by cities which qualify under the provisions of subdivision seven of this section, under the following conditions: (1) that inspections by the insurance company are made with the same frequency as is required by this section except that, for all such boilers located within a city which qualifies under the provisions of subdivision seven of this section, inspections are made with the same frequency as is required by such city; (2) that the insurance company complies with the rules of the commissioner; (3) that the inspectors of

the insurance company hold certificates of competency; (4) that the insurance company gives notice to the owner or lessee of each boiler inspected listing all violations of any provision of the rules of the commissioner; (5) that a certified copy of the report of each inspection is filed with the commissioner or the inspecting agency of such city, as the case may be, within twenty-one days of the inspection, on such forms and in such manner as required by the commissioner or the inspecting agency of such city, as the case may be. A copy filed with the commissioner shall be accompanied by a non-refundable fee of one hundred dollars paid for each boiler inspected. If insurance is refused, cancelled or discontinued for the boiler inspected the report shall so state, together with the reasons therefor; the report shall also list any instances of the failure of an owner or lessee of the boiler to comply with the rules of the commissioner.

b. In order to satisfy the inspection requirements of this section, all inspections which are made by duly authorized insurance companies shall be made by inspectors whose competency has been certified by the commissioner in accordance with the rules of the board. The commissioner may, after a hearing upon notice, suspend or revoke a certificate of competency in accordance with the rules of the board. The commissioner may require reasonable cooperation from a city which qualifies under the provisions of subdivision seven of this section in the course of his or her investigation into the competency of a certified inspector.

9. Members of boards. Any member of a boiler inspection examining board or other board created pursuant to rules and regulations of the commissioner to implement this section shall serve without salary or other compensation.