

SENATE BILL NO. 461

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on _____)

(Patron Prior to Substitute--Senator Bell)

A BILL to amend the Code of Virginia by adding in Chapter 11 of Title 54.1 an article numbered 7, consisting of sections numbered 54.1-1149 through 54.1-1154, relating to Department of Professional and Occupational Regulation; contractors; boiler and pressure vessel operator license; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 11 of Title 54.1 an article numbered 7, consisting of sections numbered 54.1-1149 through 54.1-1154, as follows:

Article 7.Certification of Boiler Operators.**§ 54.1-1149. Definitions.**

As used in this article, unless the context requires a different meaning:

"Boiler" means a closed vessel in which water is heated, steam is generated, or steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the direct application of heat. "Boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves.

"Boiler operator" means an individual who is engaged in operating, repairing, maintaining, or adjusting boilers rated between 30 and 499 horsepower, regardless of use.

§ 54.1-1150. Necessity for certification.

A. No individual shall present himself as a certified boiler operator unless he has been certified under the provisions of this article.

B. The certification program set forth in this article shall be voluntary and shall not be construed to prevent or affect the practice of boiler operators not certified by the Board, so long as any requirements of the applicable local governing body's programs relating to boiler operators pursuant to § 15.2-910 are met. All local governing bodies shall accept certification by the Board of boiler operators as proof of experience and training without requiring additional examination.

C. Individuals certified as boiler operators, pursuant to this article, shall not be required to hold any other professional or occupational license or certification; however, nothing in this article shall prohibit an individual from holding more than one professional or occupational license or certification.

§ 54.1-1151. Issuance of certification; examination; expiration.

A. Any individual desiring to be certified as a boiler operator shall file a written application on a form prescribed by the Board. The application shall be accompanied by a fee set by the Board pursuant to § 54.1-201. The application shall contain, at a minimum, the applicant's name, place of employment, business address, and information regarding the applicant's knowledge, skills, abilities, and education or training.

B. The Board shall issue a certification to any applicant who has submitted satisfactory evidence that he has successfully (i) completed the educational and experience requirements as required by the Board and (ii) passed an examination offered or approved by the Board.

C. An applicant who holds a valid certificate or license from any state or local government outside the Commonwealth may be certified without examination upon presentation of documentation that verifies completion of educational and experience requirements deemed by the Board to be substantially equivalent.

D. A certification as a boiler operator issued pursuant to this article shall be valid for three years from the last day of the month in which it was issued.

§ 54.1-1152. Renewal of certification; continuing education.

A. As a condition of renewal or reinstatement of certification, a certified boiler operator shall complete three hours of continuing education relating to boiler operation from a provider approved by the Board.

B. The Board may establish additional requirements for continuing education as a prerequisite to renewal of a boiler operator certification. In addition, the Board may require continuing education for any individual who is found to be in violation of the statutes or regulations governing the practice of boiler operators certified pursuant to this article.

§ 54.1-1153. Prohibited acts; penalty.

No individual shall represent himself as a certified boiler operator unless he has been certified by the Board. Any individual engaging or offering to engage in boiler operator activities within the meaning of this article who, through verbal claim, sign, advertisement, or letterhead, represents himself as a certified boiler operator without holding such a certificate from the Board shall be guilty of a Class 1 misdemeanor.

§ 54.1-1154. Exemptions.

The provisions of this article shall not apply to operators of:

1. Boilers and pressure vessels on boats or vessels operated under the regulations of the U.S. Coast Guard's Office of Commercial Vessel Compliance;
2. Steam-driven vehicles used solely for traction or show purposes;
3. Hot water heating boilers not exceeding 100 boiler horsepower;
4. Low-pressure steam boilers containing gravity or trap returns; or
5. Nuclear plant facilities under the control of the U.S. Nuclear Regulatory Commission.