

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

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Sub. H. B. No. 344

**REPRESENTATIVES Calvert, Schmidt, Manning, Hartnett, Barrett, Flannery,
Hagan, Distel, D. Miller, Rhine, Fedor, Collier, Kilbane, Lendrum, Carmichael,
Carey, Setzer, Buehrer, Faber, Coates, Aslanides, Cates, Webster, Carano,
Patton, Cirelli, Latell, Trakas, Williams, Flowers, G. Smith, Oakar, Otterman,
Latta**

SENATOR Herington

A B I L L

To enact sections 4104.31 to 4104.37 of the Revised 1
Code to create the Historical Boiler Licensing 2
Board, to establish licensing requirements for 3
operators of historical boilers, and to establish 4
inspection and certification requirements for 5
historical boilers. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4104.31, 4104.32, 4104.33, 4104.34, 7
4104.35, 4104.36, and 4104.37 of the Revised Code be enacted to 8
read as follows: 9

Sec. 4104.31. As used in sections 4104.31 to 4104.37: 10

(A) "Boiler" has the same meaning as in section 4104.01 of 11
the Revised Code. 12

(B) "Historical boiler" means a steam boiler of riveted 13

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construction that is preserved, restored, or maintained for hobby or demonstration.

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Sec. 4104.32. Except as provided pursuant to section 4104.37 of the Revised Code, no person shall operate a historical boiler in this state in a place that is open to the public unless both of the following requirements are satisfied:

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(A) The person operating the boiler is licensed under section 4104.35 of the Revised Code.

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(B) The owner of the boiler holds a current valid certificate of operation for the historical boiler pursuant to section 4104.36 of the Revised Code.

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Sec. 4104.33. There is hereby created the historical boilers licensing board consisting of seven members, three of whom shall be appointed by the governor with the advice and consent of the senate. The governor shall make initial appointments to the board within ninety days after the effective date of this section. Of the initial members appointed by the governor, one shall be for a term ending three years after the effective date of this section, one shall be for a term ending four years after the effective date of this section, and one shall be for a term ending five years after the effective date of this section. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. Of the three members the governor appoints, one member shall be an employee of the division of boiler inspection in the department of commerce; one member shall be an independent mechanical engineer who is not involved in selling or inspecting historical boilers; and one shall be an active member of an association that represents managers of fairs or festivals.

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Two members of the board shall be appointed by the president

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of the senate and two members of the board shall be appointed by
the speaker of the house of representatives. The president and
speaker shall make initial appointments to the board within ninety
days after the effective date of this section. Of the initial
members appointed by the president, one shall be for a term ending
four years after the effective date of this section and one shall
be for a term ending five years after the effective date of this
section. Of the initial members appointed by the speaker, one
shall be for a term ending three years after the effective date of
this section and one shall be for a term ending five years after
the effective date of this section. Thereafter, terms of office
shall be for five years, each term ending on the same day of the
same month of the year as did the term that it succeeds. Of the
four members appointed by the president and speaker, each shall
own a historical boiler and also have at least ten years of
experience in the operation of historical boilers, and each of
these four members shall reside in a different region of the
state.

Each member shall hold office from the date of the member's
appointment until the end of the term for which the member was
appointed. Members may be reappointed. Vacancies shall be filled
in the manner provided for initial appointments. Any member
appointed to fill a vacancy occurring prior to the expiration date
of the term for which the member's predecessor was appointed shall
hold office as a member for the remainder of that term. A member
shall continue in office subsequent to the expiration date of the
member's term until the successor takes office or until a period
of sixty days has elapsed, whichever occurs first.

The members of the board, annually, shall elect, by majority
vote, a chairperson from among their members. The board shall meet
at least once annually and at other times at the call of the
chairperson. Board members shall receive their actual and

necessary expenses incurred in the discharge of their duties as 76
board members. 77

The superintendent of the division of industrial compliance 78
shall furnish office space, staff, and supplies to the board as 79
the superintendent determines are necessary for the board to carry 80
out its official duties under sections 4104.33 to 4104.37 of the 81
Revised Code. 82

Sec. 4104.34. The historical boilers licensing board shall do 83
all of the following: 84

(A) Adopt rules concerning all of the following: 85

(1) Criteria that inspectors of historical boilers shall 86
utilize in determining the safe operation of historical boilers; 87

(2) Procedures for the inspection of historical boilers; 88

(3) The standards for riveted or welded repairs or 89
alterations made to historical boilers; 90

(4) Standards and procedures for the revocation of a 91
historical boiler operator's license, which shall include an 92
opportunity for appeal and hearing in accordance with Chapter 119. 93
of the Revised Code; 94

(5) Standards for regualifying for a license after revocation 95
of a license; 96

(6) Standards and procedures for conducting hydrostatic 97
tests, and requirements for reporting the results of those tests 98
to the board, as required under division (F) of section 4104.36 of 99
the Revised Code; 100

(7) Standards for the public display and operation of 101
historical boilers in this state by historical boiler operators 102
who reside outside of this state. 103

(B) Issue triennial certificates of operation for historical 104

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- boilers that pass the inspection required under section 4104.36 of the Revised Code; 105
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- (C) Conduct hearings in accordance with Chapter 119. of the Revised Code for any person who appeals a decision made by an inspector regarding whether the person should be denied a certificate of operation for the person's historical boiler; 107
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- (D) Establish a fee for the inspection of historical boilers conducted pursuant to division (B) of section 4104.36 of the Revised Code in an amount sufficient to reimburse the department of commerce for the cost of conducting those inspections; 111
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- (E) Reimburse the department of commerce for the cost of inspections performed by the division of boiler inspection pursuant to section 4104.36 of the Revised Code; 115
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- (F) Issue licenses to operate historical boilers in public to persons who meet the requirements of section 4104.35 of the Revised Code; 118
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- (G) Grant approval of historical boiler operator's courses as the board determines appropriate; 121
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- (H) Grant approval of written or verbal examinations that are developed to test competence in operating historical boilers; 123
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- (I) For purposes of section 4104.37 of the Revised Code, determine the smallest size of historical boilers that are subject to sections 4104.32 to 4104.36 of the Revised Code; 125
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- (J) For purposes of inspection criteria adopted by the board pursuant to division (A)(1) of this section, establish the criteria based upon the manufacturing standards for safe operation that are established by the various manufacturers of historical boilers; 128
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- (K) Appoint safety committees to conduct the hydrostatic tests required under division (F) of section 4104.36 of the 133
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Revised Code;

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(L) Establish requirements for the minimum amount of liability insurance that an owner of historical boilers shall carry on each historical boiler operated in public that the owner owns, if the board determines that a minimum amount should be established.

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Sec. 4104.35. (A) Any person may apply to the historical boiler licensing board to become licensed to operate historical boilers in public. The board shall issue a license to any person who satisfies the following criteria:

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(1) Is sixteen years of age or older;

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(2) Has completed a historical boiler operator's course that is approved by the board;

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(3) Passes a written or verbal examination that is approved by the board and that tests for competence in operating historical boilers;

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(4) Has at least one hundred hours of actual operating experience or training in the operation of historical boilers.

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(B) A person who satisfies the criteria described in division (A) of this section shall pay a one-time fee of fifty dollars for the issuance of a license under this section.

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(C) A license issued under this section is valid for the lifetime of the operator unless the license is revoked by the board pursuant to division (E) of this section.

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(D) Persons who are under the age of sixteen may be trained in the operation of historical boilers by serving as apprentices to operators who are licensed under this section, in order to obtain the training required under division (A)(4) of this section for licensure.

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(E) The board shall revoke a license issued under this section in accordance with rules the board adopts under division (A)(4) of section 4104.34 of the Revised Code. A person whose license is revoked may regualify for licensure if the person satisfies the criteria the board establishes in rules it adopts pursuant to division (A)(5) of section 4104.34 of the Revised Code. 164
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Sec. 4104.36. (A) The owner of a historical boiler that is operated in public shall maintain a current valid certificate of operation for the historical boiler in accordance with the requirements of this section. 171
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(B) At least once every three years, inspectors designated by the chief of the division of boiler inspection in the department of commerce shall inspect thoroughly, internally and externally, and under operating conditions, all historical boilers that are operated in public and their appurtenances. Inspectors shall examine the smoke box, barrel, wrapped sheet, dome, water column and water glass, firebox, external plumbing, fusible plug, pressure relief valve, and pressure gage. 175
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(C) After conducting the inspection required under division (B) of this section, the inspector shall evaluate whether the historical boiler is in safe operating condition according to rules adopted by the historical boiler licensing board pursuant to division (A)(1) of section 4104.34 of the Revised Code. If the inspector finds that the historical boiler is in safe operating condition, the inspector shall recommend that the board issue a certificate of operation for the historical boiler. If the board concurs with the recommendation of the inspector, the board shall issue a certificate of operation for the historical boiler inspected by that inspector. A certificate of operation is valid for a period of three years after the date of issuance. 183
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(D) If an inspector does not recommend the issuance of a certificate of operation for the historical boiler or if the board decides not to issue a certificate of operation, the owner of the historical boiler may file an appeal with the board, and the board shall conduct a hearing in accordance with Chapter 119. of the Revised Code. 195
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(E) The owner of a historical boiler that is operated in public shall display the certificate of operation in a prominent place on the historical boiler during its operation. 201
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(F) At least once every three years, a safety committee appointed by the board pursuant to division (K) of section 4104.34 of the Revised Code shall conduct a hydrostatic test at one and one-quarter of the maximum allowable working pressure on all publicly operated historical boilers that are assigned by the board for testing by that safety committee. The safety committee shall submit the results of each hydrostatic test to the board in accordance with rules adopted by the board pursuant to division (A)(6) of section 4104.34 of the Revised Code. 204
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Sec. 4104.37. Sections 4104.32 to 4104.36 of the Revised Code do not apply to historical boilers that are smaller than the size determined by the historical boilers licensing board pursuant to division (I) of section 4104.34 of the Revised Code. 213
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Section 2. Notwithstanding section 4104.35 of the Revised Code as enacted by this act, the Historical Boilers Licensing Board shall issue a license to an operator of historical boilers who has been engaged in operating historical boilers in public for at least two years before the effective date of this act if the operator passes the written or verbal examination approved by the board that tests for competence in operating historical boilers and pays a one-time fee of fifty dollars for the issuance of the 217
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license.